City of Holly Hill, Florida
Board of Planning and Appeals
Agenda | April 6, 2026

City Commission Chamber	Regular Board of Planning and Appeals Meeting	6:00 PM

City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

City Clerk's Office: (386) 248-9441 – Fax: (386) 248-9448

HOLLY HILL
FLORIDA

City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

PLANNING AND APPEALS BOARD
Members

Chairman
Mike Myer

Board Member
Dennis Smith

Board Member
John Danio

Board Member
Tony Cassata

Board Member
Kymberlee Nguyen

City Planner
Brian Walker

Building & Zoning
Leslie Montgomery

City Clerk
Valerie Mannning

1. Call to Order

2. Roll Call

3. Invocation

4. Pledge of Allegiance

5. Minutes

1. Minutes - February 2, 2026 - Board of Planning and Appeals meeting

   (Requested by Leslie Montgomery, Board of Planning and Appeals & Valerie Manning, City Clerk)

6. Agenda Item(s)

1. Waiver Request - 641 Carswell

   (Requested by Joshua Steele, Senior Planner)

7. Ordinances

1. Recovery Residence Ordinance

   (Requested by Brian Walker, City Planner)

2. Proposed Large-Scale Evaluation and Appraisal Report (EAR) - Based 2050 Comprehensive Plan Amendment

   (Requested by Brian Walker, City Planner)

8. Old Business

9. Board/Staff Communications

10. Adjournment

Board of Planning and Appeals
Minutes • February 2, 2026

City Commission Chamber	Regular Board of Planning and Appeals Meeting	6:00 PM

City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117
City Clerk's Office: (386) 248-9441 – Fax: (386) 248-9448

1. Call to Order

The meeting was called to order at approximately 6:00 PM.

2. Roll Call

Present:
Board Member Tony Cassata
Board Member John Danio
Board Member Kymberlee Nguyen
Board Member Dennis Smith
Board Member Michael Myer
Absent: N/A

3. Invocation

Mr. Myer led the invocation.

4. Pledge of Allegiance

Mr. Myer led the Pledge of Allegiance to the Flag.

5. Minutes

1. Minutes - January 5, 2026 - Board of Planning and Appeals meeting

(Requested by Leslie Montgomery, Board of Planning and Appeals)

Motion to Approve.	
Result:	**Passed [UNANIMOUS]**
Mover:	Board Member John Danio
Seconder:	Board Member Dennis Smith
Ayes:	Tony Cassata, John Danio, Kymberlee Nguyen, Dennis Smith, Michael Myer
Nays:	None

6. Agenda Item(s)

1. 116 8th Street Variance

(Requested by Brian Walker, City Planner)

Joshua Steele, Senior Planner, went through his staff report with the Board members as it pertained to the variance request located at 116 8th Street. This is a variance request for a rear yard setback from the requirements of Section 114-765 of the Land Development Regulations titled, "Schedule of Dimensional Requirements." A variance from the required rear yard setback of 30 feet to 3 feet for a parcel in the R-1 (Single-Family) zoning district. The applicant is requesting a variance to allow solar panels to be installed in the required rear setback of the house, from 30 feet to 3 feet, in order to build a ground-mounted solar panel farm. The requirements to meet this request are included in the agenda packet. Staff finds that the applicant has met all the criteria as stated within the packet to grant the requested variance and staff recommends approval of the request at 116 8th Street for a rear yard setback variance from the requirements of Section 114-765 of the Land Development Regulations titled, "Schedule of Dimensional Requirements" from 30 feet to 3 feet in order to locate a solar panel rack. ***(A copy of this meeting in its entirety is available upon request in the City Clerk's Office or available online on the city's YouTube channel).***

Holly Dragon, the applicant, briefly spoke to the Board members.

Mr. Myer opened public participation. No one spoke.

Motion to Approve.	
Result:	**Passed [UNANIMOUS]**
Mover:	Board Member Dennis Smith
Seconder:	Board Member John Danio
Ayes:	Tony Cassata, John Danio, Kymberlee Nguyen, Dennis Smith, Michael Myer
Nays:	None

7. Ordinances

1. Pool Enclosure Setback Ordinance

(Requested by Brian Walker, City Planner)

Joshua Steele, Senior Planner, went through his staff report with the Board members as it pertains to the proposed Ordinance, which amends Section 114-742 (D)1 and 114-761(2) of the Land Development Regulations titled, "Principal buildings and accessory structures" and "Exceptions to minimum yard or lot coverage requirements" respectively, for the purpose of reducing the rear yard

setback for pool screen enclosures. Under current rules, pool screen enclosures that are over 300 square feet are treated as accessory structures, which can impose larger setbacks that limit where homeowners can reasonably place them relative to their pool. As an example, a single-family home in the R-1 zoning district has a rear yard setback of 30 feet for principal and accessory structures that are over 300 square feet. Therefore, a pool screen enclosure that is over 300 square feet must be 30 feet from the rear property line. However, the code allows for a pool to be placed 5 feet from the same rear property line. If a homeowner were to have a pool installed at the 5-foot setback, they may not be permitted to screen in their pool under current City requirements. By allowing pool screen enclosures to follow a pool's 5-foot rear setback, the city can provide greater flexibility for homeowners while still maintaining safety and neighborhood character. This change can also help streamline permitting, reduce variance requests, and support consistent application of zoning standards. Mr. Steele stated to accomplish this goal, staff recommends the Code be amended as follows:

Add to Section 114-742(D)(1) the following underlined additional language:

D. Pools, whether public or private, shall comply with Chapter 3, Articles I and II, the Florida Building Code, all applicable regulations of the Florida Department of Health and Rehabilitative Services and other State agencies, and to the following:

1. Setbacks:

d. Pool Enclosures. Pool enclosure structures may be placed up to five feet from the rear property line provided they meet the following criteria:

- The enclosure is no more than 12 feet in height.
- The rear, sides, and roof of the enclosure are screened, and other than the framing, do not contain any solid surfaces that impede sunlight to surrounding properties.
- The enclosure does not extend more than 7 feet beyond the water's edge, except for that portion of the enclosure that is connected to, and an integral part of, the principal structure. However, in no case may the enclosure be closer than 5 feet from the rear property line.

Pool enclosures not meeting the above criteria are considered an accessory structure that must meet the district setbacks required for a principal structure.

The language of Section 114-761(2) is stricken as follows:

Every part of every yard shall be open and unobstructed from the ground up by any structure, except as follows:

(2) Screened swimming pool enclosures. Any swimming pool enclosure which consists of screening on three or more sides shall be considered as an accessory building for the purposes of this subpart, except that such screened swimming pool enclosure may be attached to an integral part of the principal building itself.

Mr. Steele stated that staff recommends that the City Commission adopt an Ordinance of the City of Holly Hill, Florida, amending sections 114-742 and 114-761 of the city code to amend the setback requirement for pool screen enclosures meeting specific criteria, and removing unnecessary language.

Mr. Myer opened public participation. No one spoke.

Motion to Approve Recommendation to the City Commission:	
Result:	**Passed [UNANIMOUS]**
Mover:	Board Member Dennis Smith
Seconder:	Board Member John Danio
Ayes:	Tony Cassata, John Danio, Kymberlee Nguyen, Dennis Smith, Michael Myer
Nays:	None

8. Old Business

None

9. Board/Staff Communications

None

10. Adjournment

The meeting adjourned at approximately 6:30 PM.

INTRODUCTION:

The applicant (Paul Culver) is requesting a waiver of the setback requirements in Section 98-68 of the Land Development Regulations, for the property shown in **Exhibit A**.

BACKGROUND:

The applicant is demolishing the structure currently on the lot and replacing it with a new, commercial building. The current building is residential in nature and does not match the Future Land Use or Zoning District that it lies in. Section 98-68 **(Exhibit B)** require a 35-foot setback with a 10-foot landscape buffer and Type A visual screen. The applicant is requesting a waiver to the rear (Eastern) property line to reduce the setback from 35 feet, down to 20 feet with a 10-foot landscape buffer.

The east property line is required to meet the following regulations:

- Parcel lines abutting incompatible uses. CC-1 adjacent to R-3. Dependent upon screening choice, the setbacks are dictated by the chart at 98-68(a) shown in **Exhibit B**. The applicant is requesting a waiver based on Visual Screen "A".

Authority to Waiver or Reduce Requirements

Pursuant to Section 98-34 (a) of the LDR, "*Authority to waive or reduce requirements.* The Board of Planning and Appeals may, upon appeal by an applicant, unless otherwise provided for, **waive or reduce the required landscape provisions** of this article where such requirements would be unreasonable and excessive due to the size of the parcel in question or the fact that the landscaping requirement is not necessary due to the unique location or natural topographical or other physical character of the specific parcel in question, and provided such reduction would not be detrimental to the adjacent parcels."

Pursuant to Section 98-69 (c) *Setback*. The board of planning and appeals may, upon appeal by an applicant, **waive or reduce the required setback** where such setback would be unreasonable and excessive due to the size of the parcel in question or the fact that the required setback is not necessarily due to the unique location or natural topographical or other physical character of the specific parcel in question, and provided such reduction would not be detrimental to the adjacent parcels. The applicable buffer and visual screen provisions along all parcel lines in question shall not, however, be waived.

ANALYSIS:

Applicant's request, analysis and justification for the requests are attached.

RECOMMENDATION:

Should the Board of Planning and Appeals approve the proposed waiver for reduction in setback request from 35 feet down to 20 feet, staff recommends the following conditions and provisions be applicable:

- That the applicant maintains the visual screen and landscaped areas, by replacing vegetation that dies or is destroyed or damaged whether by accident or by natural disaster.
- That this waiver be valid conditioned upon the site being developed as proposed. Significant changes to the site plan shall require that the waiver request go back to the Board of Planning and Appeals. The decision as to whether a site modification is significant or not shall be determined solely by the City.
- That no activities of a loud, industrial nature take place at the rear of the property that abuts residential parcels.

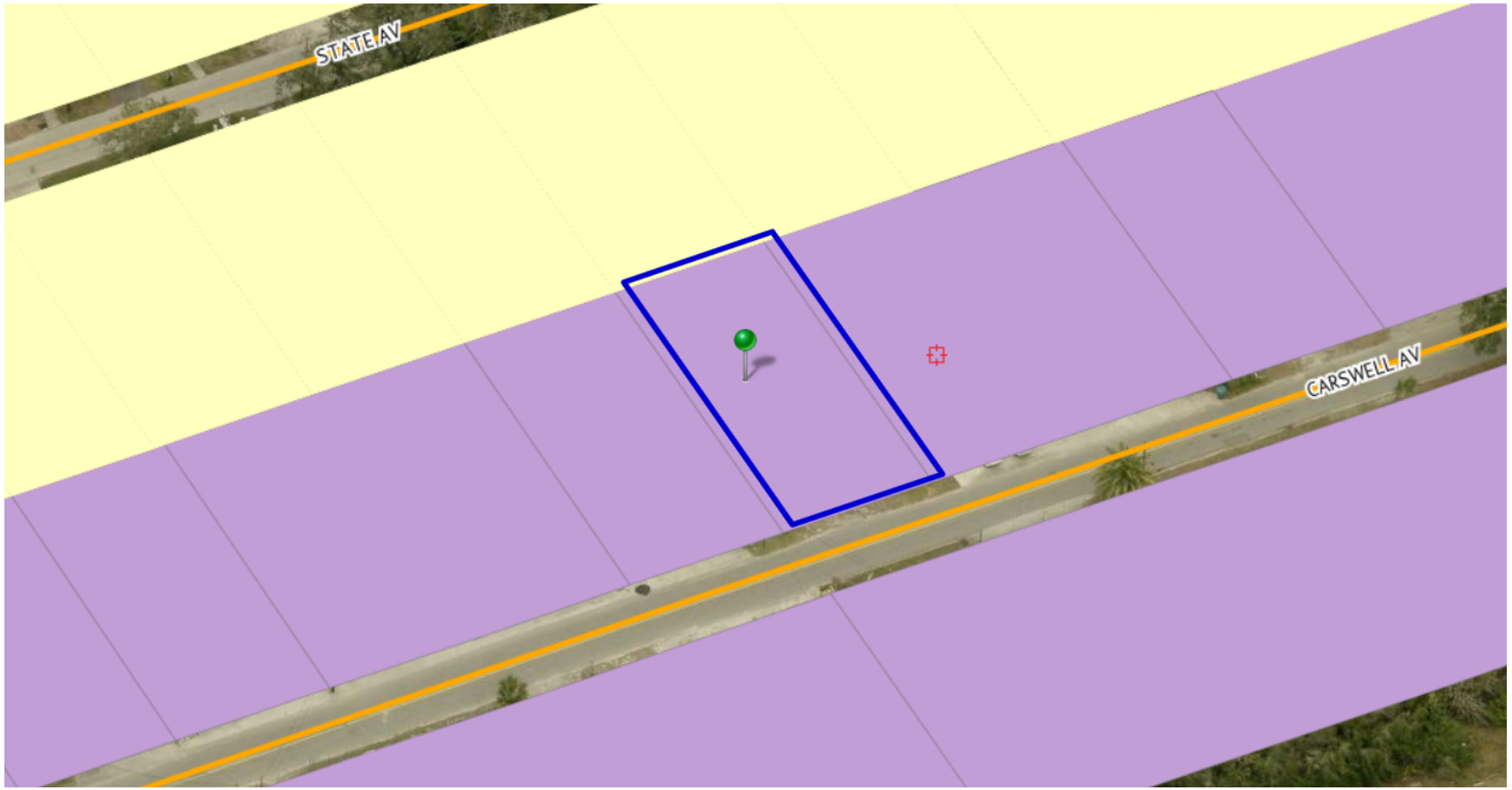
641 CARSWELL AVE

Aerial Imagery



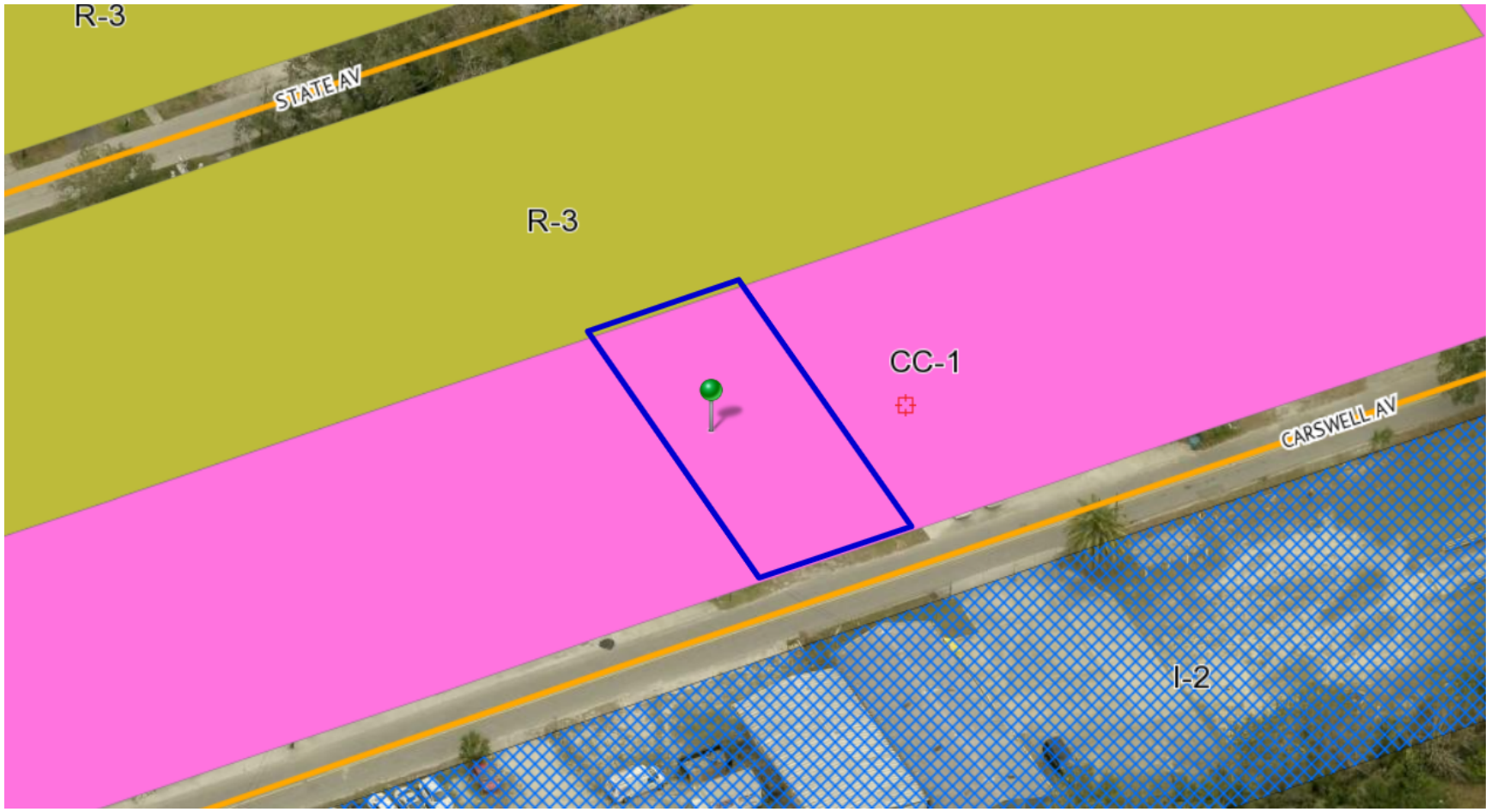
641 CARSWELL AVE

Future Land Use



641 CARSWELL AVE

Zoning District



RECEIVED
FEB 19 2026 10:03 AM

PARKER MYNCHENBERG & ASSOCIATES, INC.

1729 Ridgewood Avenue
Holly Hill, Florida 32117
(386) 677-6891
FAX (386) 677-2114
E-Mail: info@parkermynchenberg.com

February 19, 2026

Mr. Brian Walker
Assistant City Manager
The City of Holly Hill
1065 Ridgewood Ave
Holly Hill, FL. 32117

Re: 641 CARSWELL AVENUE – CITY OF HOLLY HILL, FLORIDA
Waiver Application

Dear Brian:

Pursuant to Section 98-69 of the City's Code of Ordinances, a waiver is requested pertaining to the setback requirements applicable to the proposed redevelopment of the subject property. Sections 98-67 and 98-68 state the requirements of a commercially zoned property abutting a residential use is a thirty-five (35) foot building setback with a ten (10) foot landscape buffer and a Type A visual screen – a masonry wall. The subject property is zoned CC-1 and the abutting zoning at the rear of the property is R-3.

The waiver request pertains to the rear of the site and includes a reduced building setback from thirty-five (35) feet to twenty (20) feet with a ten (10) foot landscape buffer and a white vinyl-coated screening wall along this rear property line. The area of the subject parcel is 5,800 square feet, or 0.133 acres and the proposed project involves the demolition of the existing structure and construction of a new 1,800 square foot commercial office building for the applicant's locally owned construction company. The constructed project would provide an enhanced drainage collection system on-site, new landscaping to meet the City's planting requirements, and an aesthetically pleasing architectural upgrade in this corridor.

The required setbacks, as defined in Sections 98-67 and 98-68, would reduce the building by 450 square feet (25% of the proposed building area) and to the extent that the applicant has stated the project will not be feasible. This letter shall serve, respectfully, as the Waiver Application requesting relief from the aforementioned Code.

Should you have any questions or need additional information, please contact me at (386) 677-6891.

Sincerely,

Tanner Banks, P.E.

TB/nm

Enclosures

cc: Mr. Paul Culver

Sec. 98-69. - Waiver or reduction of requirements.

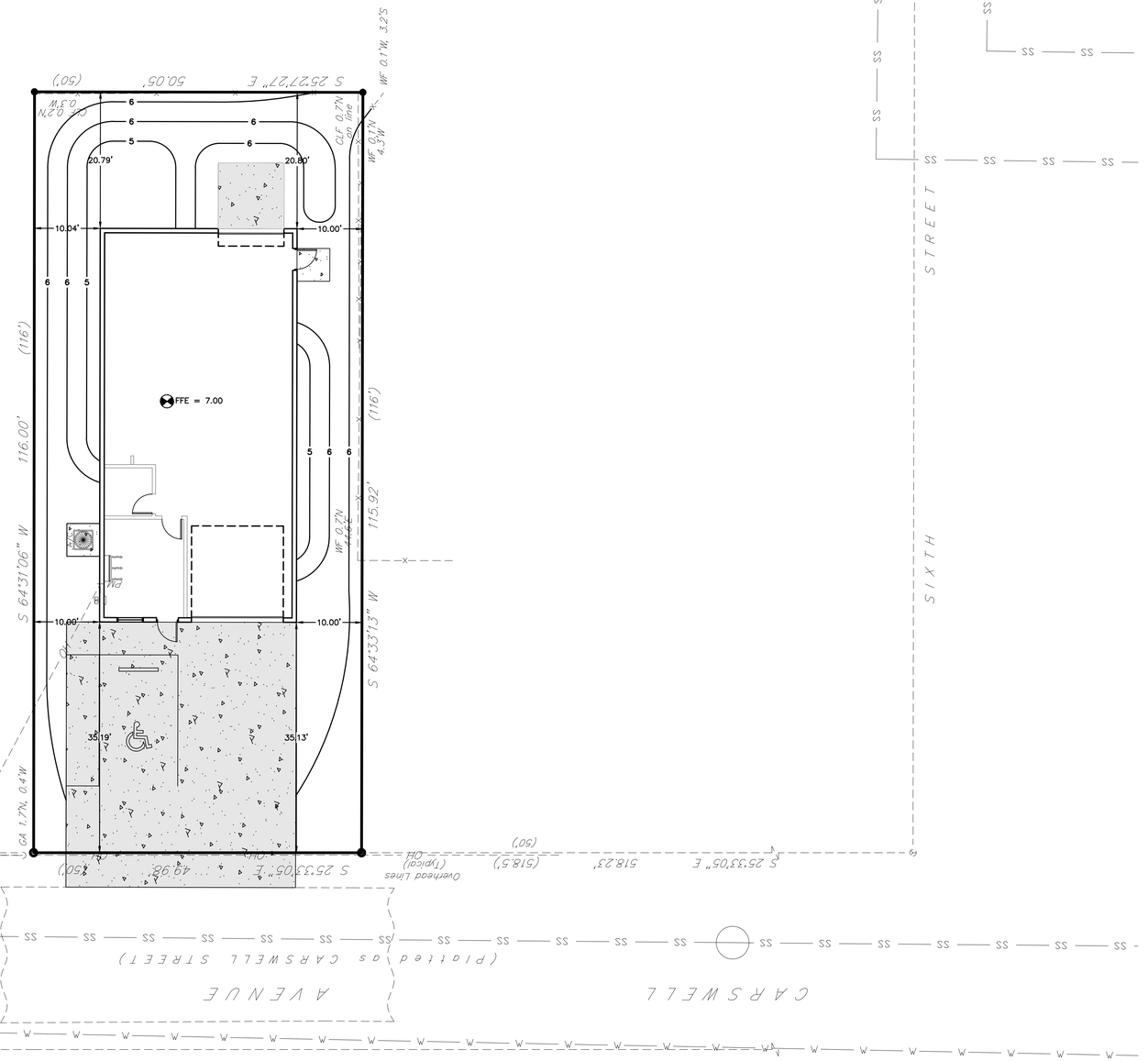
(a) *Visual screen in front yard.* The board of planning and appeals may, upon request by an applicant, waive or reduce the side or rear yard visual screen requirements that apply within the required front yard building setback when the application of such requirements would result in an arbitrary and undesirable view obstruction from a major thoroughfare and when the reduction of such requirements would not be detrimental to the adjacent parcels.

(b) *Visual screens generally.* The board of planning and appeals may, upon appeal by an applicant, waive or reduce the required visual screen where such visual screen would be unreasonable and excessive due to the size of the parcel in question or the fact that the required visual screen is not necessary due to the unique location or natural topographical or other physical character of the specific parcel in question, and provided such reduction would not be detrimental to the adjacent parcels. The applicable setback and buffer provisions along all parcel lines in question shall not, however, be waived.

(c) *Setback.* The board of planning and appeals may, upon appeal by an applicant, waive or reduce the required setback where such setback would be unreasonable and excessive due to the size of the parcel in question or the fact that the required setback is not necessary due to the unique location or natural topographical or other physical character of the specific parcel in question, and provided such reduction would not be detrimental to the adjacent parcels. The applicable buffer and visual screen provisions along all parcel lines in question shall not, however, be waived.

(d) *Parcels abutting railroad sidings.* The board of planning and appeals, upon appeal by an applicant, may waive or reduce the required buffer where such buffer would prevent structures from locating adjacent to railroad sidings, provided such reduction would not be detrimental to surrounding areas.

(Ord. No. 2352, § 2(8.3.4), 7-13-93)



PARKER MYNCHENBERG & ASSOCIATES, INC.
PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
STEVEN R. BUSWELL P.E. #53985, R.L.A. #LA6667011;
KEVIN A. LEE P.E. #71501, TANNER J. BANKS P.E. #102523
(386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com
CERTIFICATE OF AUTHORIZATION NUMBER 00003910

NO.	DATE	DESCRIPTION	BY
		REVISIONS	

641 CARSWELL AVENUE
HOLLY HILL * FLORIDA

SITE PLAN

4
SHEET NO.

Drawn By: M. GRECO
Date: 01/21/2026
JOB #26-06
SCALE: 1"=10'

SEAL

Sec. 98-68. Applicability of requirements.

(a) *Side and rear yards.* The following table shall be used to determine the application of alternative land use compatibility requirements along side and rear parcel lines of the proposed use:

REQUIRED LAND USE SETBACKS AND BUFFER TYPES

Proposed Use	Abutting Use	Setback (feet)	Buffer (feet)	Visual Screen
Multifamily	Single-family	35	10	A or B
		50	25	C
Commercial	Residential	35	10	A
		50	25	A or B
		75	50	C
Industrial	Residential	50	25	A
		75	50	A or B
		100	75	C

(b) *Front yard buffer and visual screen for commercial or industrial use abutting residential use.* Front yards of commercial or industrial uses abutting residential uses shall provide a ten-foot buffer and a type A or type B visual screen.

(c) *New residential uses abutting existing commercial or industrial use.* When the side or rear parcel line of a proposed residential use abuts an existing commercial or industrial use that does not comply with visual screen requirement provisions of this article, the proposed residential use shall provide a type A visual screen along the parcel line in question.

(Ord. No. 2352, § 2(8.3.3), 7-13-93)

BACKGROUND:
On June 25, 2025, Governor DeSantis approved Senate Bill 954, which has been codified into law as Florida Statute Chapter 397 governing Recovery Residences.

DISCUSSION:
Pursuant to Section 397.487, Florida Statutes, "the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence." These facilities, commonly known as sober homes, offer structured, supportive living environments for individuals recovering from substance use disorders. Typically operated as group living arrangements, recovery residences can present zoning and land use challenges related to occupancy limits, neighborhood compatibility, and use classifications.

A certified recovery residence aka a sober living home, is not a community group home nor is it an assisted living facility, which are governed by different Florida Statutes – FS 419 and 429 respectively. See the attachment titled, "**Facility Differences**" for additional information.

This proposed Ordinance establishes procedures for the review and approval of certified recovery residences in compliance with Chapter 397, F.S. attached as **EXHIBIT A**.

A brief list of what the Ordinance accomplishes **with regard to recovery residences** is as follows:

1. Provides definitions.
2. Provides information on the application process.
3. Provides basic requirements for recovery residences, such as the permitted number of occupants, etc.
4. Provides a staff review and approval process.
5. Recovery residence requests that meet all requirements are approved at staff level. This includes request for reasonable accommodation. The definition of what constitutes a "reasonable accommodation" is stated in the Ordinance. Such request will be approved at staff level if they are deemed to be "reasonable" as defined.
6. Only request that are denied by staff may be appealed to the City Commission.
7. The Ordinance states conditions upon which approval can be revoked.

Because the request for a recovery residence may involve a request for accommodation or reasonable relief from City rules, policies, practices or services, it has been included in Section 82-322 of the Land Development Regulations which addresses, "Evaluations of Request for Accommodation Pursuant to the Fair Housing Act." This section discusses and provides a process for requesting relief from City policies, practices or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

In order to more easily incorporate the process for recovery residences seeking accommodation into the existing section dealing with the request for accommodation, Section 82-322 has been rewritten. The section currently in the code as Section 82-322 will be revoked and replaced in its entirety.

RECOMMENDATION:
STAFF RECOMMENDS ADOPTION OF AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; CHAPTER 82 REPLACING IN ITS ENTIRETY SECTION 82-322; ESTABLISHING A PROCESS FOR THE REVIEW AND APPROVAL OF REQUEST FOR ACCOMODATION FROM THE CITY'S RULES, POLICY, AND PRACTICES TO ALLOW A HANDICAPPED PERSON OR PERSONS TO HAVE EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING AND FOR THE APPROVAL OF CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487.

1. Community Group Home (Community Residential Home) (Governed by F.S. 419) A **community residential home** is a licensed dwelling that provides a family-like living environment for **7 to 14 unrelated residents** who may be elderly, disabled, have mental illness, or be involved with certain state service agencies. The home includes supervision and supportive staff to meet residents' physical, emotional, and social needs. Homes of **6 persons or less** are permitted in any residential zoning district.

2. Recovery Residence (Governed by F.S. 397)
A **recovery residence** is a residential dwelling or group housing that provides a **peer-supported, alcohol-free and drug-free living environment** for individuals recovering from substance use disorders. These residences focus on supporting sobriety and recovery rather than providing clinical treatment services on site.

3. Assisted Living Facility (ALF) (Governed by F.S. 429)
An **assisted living facility** is a residential facility that provides **housing, meals, and one or more personal services** (such as help with daily activities) for **adults who are not related to the owner or administrator**, typically for periods exceeding 24 hours.

Key difference:

- **Community group home:** Residential setting for individuals with disabilities or similar needs, operating like a family household with supervision.
- **Recovery residence:** Sober living environment supporting recovery from alcohol or drug use.
- **Assisted living facility:** Residential care providing housing, meals, and assistance with daily living for adults (often elderly).

CHAPTER 397
SUBSTANCE ABUSE SERVICES

PART I
GENERAL PROVISIONS
(ss. 397.301-397.341)

PART II
SERVICE PROVIDERS
(ss. 397.401-397.4873)

PART III
CLIENT RIGHTS
(ss. 397.501-397.581)

PART IV
VOLUNTARY ADMISSIONS PROCEDURES
(s. 397.601)

PART V
INVOLUNTARY ADMISSIONS PROCEDURES
(ss. 397.675-397.6977)

PART VI
LOCAL ORDINANCE PROHIBITION AND AUTHORIZATION; ADMISSIONS PROCEDURES
(ss. 397.701, 397.702)

PART VII
OFFENDER REFERRALS
(ss. 397.705, 397.706)

PART VIII
INMATE SUBSTANCE ABUSE PROGRAMS
(ss. 397.752-397.754)

PART IX
CHILDREN'S SUBSTANCE ABUSE SERVICES
(ss. 397.92-397.998)

PART I
GENERAL PROVISIONS

397.301 Short title.
397.305 Legislative findings, intent, and purpose.
397.311 Definitions.

397.321 Duties of the department.
397.333 Statewide Drug Policy Advisory Council.
397.334 Treatment-based drug court programs.
397.335 Statewide Council on Opioid Abatement.
397.341 Transportation of individuals by law enforcement officers.

397.301 Short title.—This act may be cited as the "Hal S. Marchman Alcohol and Other Drug Services Act."
History.—s. 2, ch. 93-39; s. 6, ch. 2009-132.

397.305 Legislative findings, intent, and purpose.—

(1) Substance abuse is a major health problem that affects multiple service systems and leads to such profoundly disturbing consequences as serious impairment, chronic addiction, criminal behavior, vehicular casualties, spiraling health care costs, AIDS, and business losses, and significantly affects the culture, socialization, and learning ability of children within our schools and educational systems. Substance abuse impairment is a disease which affects the whole family and the whole society and requires a system of care that includes prevention, intervention, clinical treatment, and recovery support services that support and strengthen the family unit. Further, it is the intent of the Legislature to require the collaboration of state agencies, service systems, and program offices to achieve the goals of this chapter and address the needs of the public; to establish a comprehensive system of care for substance abuse; and to reduce duplicative requirements across state agencies. This chapter is designed to provide for substance abuse services.

(2) It is the goal of the Legislature to discourage substance abuse by promoting healthy lifestyles; healthy families; and drug-free schools, workplaces, and communities.

(3) It is the purpose of this chapter to provide for a comprehensive continuum of accessible and quality substance abuse prevention, intervention, clinical treatment, and recovery support services in the most appropriate and least restrictive environment which promotes long-term recovery while protecting and respecting the rights of individuals, primarily through community-based private not-for-profit providers working with local governmental programs involving a wide range of agencies from both the public and private sectors.

(4) It is the intent of the Legislature that licensed, qualified health professionals be authorized to practice to the full extent of their education and training in the performance of professional functions necessary to carry out the intent of this chapter.

(5) It is the intent of the Legislature to establish expectations that services provided to persons in this state use the coordination-of-care principles characteristic of recovery-oriented services and include social support services, such as housing support, life skills and vocational training, and employment assistance necessary for persons who have substance use disorders or co-occurring substance use and mental health disorders to live successfully in their communities.

(6) It is the intent of the Legislature to ensure within available resources a full system of care for substance abuse services based on identified needs, delivered without discrimination and with adequate provision for specialized needs.

(7) It is the intent of the Legislature to establish services for individuals with co-occurring substance abuse and mental disorders.

(8) It is the intent of the Legislature to provide an alternative to criminal imprisonment for substance abuse impaired adults and juvenile offenders by encouraging the referral of such offenders to service providers not generally available within the juvenile justice and correctional systems, instead of or in addition to criminal penalties.

(9) It is the intent of the Legislature to provide, within the limits of appropriations and safe management of the juvenile justice and correctional systems, substance abuse services to substance abuse impaired offenders who are placed by the Department of Juvenile Justice or who are incarcerated within the Department of Corrections, in order to better enable these offenders or inmates to adjust to the conditions of society presented to them when their terms of placement or incarceration end.

(10) It is the intent of the Legislature to provide for assisting substance abuse impaired persons primarily through health and other rehabilitative services in order to relieve the police, courts, correctional institutions, and other criminal justice agencies of a burden that interferes with their ability to protect people, apprehend offenders, and maintain safe and orderly communities.

(11) It is the intent of the Legislature that the freedom of religion of all citizens shall be inviolate. Nothing in this act shall give any governmental entity jurisdiction to regulate religious, spiritual, or ecclesiastical services.
History.—s. 2, ch. 93-39; s. 7, ch. 2009-132; s. 20, ch. 2016-241; s. 20, ch. 2024-245.

397.311 Definitions.—As used in this chapter, except part VIII, the term:

(1) "Ancillary services" are services that include, but are not limited to, special diagnostic, prenatal and postnatal, other medical, mental health, legal, economic, vocational, employment, and educational services.

(2) "Authorized agent of the department" means a person designated by the department to conduct any audit, inspection, monitoring, evaluation, or other duty imposed upon the department pursuant to this chapter. An authorized agent must be qualified by expertise and experience to perform these functions.

(3) "Beyond the safe management capabilities of the service provider" refers to an individual who is in need of:

(a) Supervision;

(b) Medical care; or

(c) Services,

beyond that which the service provider or service component can deliver.

(4) "Certificate of compliance" means a certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.

(5) "Certified recovery residence" means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

(a) A Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.

(b) A Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.

(c) A Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.

(d) A Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

(6) "Certified recovery residence administrator" means a recovery residence administrator who holds a valid certificate of compliance.

(7) "Clinical assessment" means the collection of detailed information concerning an individual's substance use, emotional and physical health, social roles, and other areas that may reflect the severity of the individual's abuse of alcohol or drugs. The collection of information serves as a basis for identifying an appropriate treatment regimen.

(8) "Clinical supervisor" means a person who meets the requirements of a qualified professional whose functions include managing personnel who provide direct clinical services or maintaining lead responsibility for the overall coordination and provision of clinical services.

(9) "Community housing" means a certified recovery residence offered, referred to, or provided by a licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. A certified recovery residence used by a licensed service provider that meets the definition of community housing shall be classified as a Level IV level of support, as described in subsection (5).

(10) "Court" means the court of legal jurisdiction in the context in which the term is used in this chapter.

(11) "Credentialing entity" means a nonprofit organization that develops and administers professional, facility, or organization certification programs according to applicable nationally recognized certification or psychometric standards.

(12) "Department" means the Department of Children and Families.

(13) "Director" means the chief administrative or executive officer of a service provider or recovery residence.

(14) "Disclose" or "disclosure" means a communication of identifying information, the affirmative verification of another person's communication of identifying information, or the communication of any information regarding an individual who has

received services. Any disclosure made pursuant to this chapter must be limited to that information which is necessary to carry out the purpose of the disclosure.

(15) "Fee system" means a method of establishing charges for services rendered, in accordance with an individual's ability to pay, used by providers that receive state funds.

(16) "For profit" means registered as for profit by the Secretary of State and recognized by the Internal Revenue Service as a for-profit entity.

(17) "Habitual abuser" means a person who is brought to the attention of law enforcement for being substance impaired, who meets the criteria for involuntary admission in s. 397.675, and who has been taken into custody for such impairment three or more times during the preceding 12 months.

(18) "Hospital" means a hospital or hospital-based component licensed under chapter 395.

(19) "Identifying information" means the name, address, social security number, fingerprints, photograph, and similar information by which the identity of an individual can be determined with reasonable accuracy directly or by reference to other publicly available information.

(20) "Impaired" or "substance abuse impaired" means having a substance use disorder or a condition involving the use of alcoholic beverages, illicit or prescription drugs, or any psychoactive or mood-altering substance in such a manner as to induce mental, emotional, or physical problems or cause socially dysfunctional behavior.

(21) "Incompetent to consent to treatment" means a state in which a person's judgment is so affected by a substance abuse impairment that he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical health, mental health, or substance abuse treatment.

(22) "Individual" means a person who receives alcohol or other drug abuse treatment services delivered by a service provider. The term does not include an inmate pursuant to part VIII of this chapter unless expressly so provided.

(23) "Informed consent" means consent voluntarily given in writing by a competent person after sufficient explanation and disclosure of the subject matter involved to enable the person to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

(24) "Involuntary treatment services" means an array of behavioral health services that may be ordered by the court for persons with substance abuse impairment or co-occurring substance abuse impairment and mental health disorders.

(25) "Law enforcement officer" means a law enforcement officer as defined in s. 943.10(1).

(26) "Licensed service provider" means a public agency under this chapter, a private for-profit or not-for-profit agency under this chapter, a physician or any other private practitioner licensed under this chapter, or a hospital that offers substance abuse services through one or more licensed service components.

(27) Licensed service components include a comprehensive continuum of accessible and quality substance abuse prevention, intervention, and clinical treatment services, including the following services:

(a) "Clinical treatment" means a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle. As defined by rule, "clinical treatment services" include, but are not limited to, the following licensable service components:

1. "Addictions receiving facility" is a secure, acute care facility that provides, at a minimum, detoxification and stabilization services; is operated 24 hours per day, 7 days per week; and is designated by the department to serve individuals found to be substance use impaired as described in s. 397.675 who meet the placement criteria for this component.

2. "Day or night treatment" is a service provided in a nonresidential environment, with a structured schedule of treatment and rehabilitative services.

3. "Day or night treatment with community housing" means a program intended for individuals who can benefit from living independently in peer community housing while participating in treatment services for a minimum of 5 hours a day for a minimum of 25 hours per week.

4. "Detoxification" is a service involving subacute care that is provided on an inpatient or an outpatient basis to assist individuals to withdraw from the physiological and psychological effects of substance abuse and who meet the placement criteria for this component.

5. "Intensive inpatient treatment" includes a planned regimen of evaluation, observation, medical monitoring, and clinical protocols delivered through an interdisciplinary team approach provided 24 hours per day, 7 days per week, in a highly structured, live-in environment.

6. "Intensive outpatient treatment" is a service that provides individual or group counseling in a more structured environment, is of higher intensity and duration than outpatient treatment, and is provided to individuals who meet the placement criteria for this component.

7. “Medication-assisted treatment for opioid use disorders” is a service that uses methadone or other medication as authorized by state and federal law, in combination with medical, rehabilitative, supportive, and counseling services in the treatment of individuals who are dependent on opioid drugs.

8. “Outpatient treatment” is a service that provides individual, group, or family counseling by appointment during scheduled operating hours for individuals who meet the placement criteria for this component.

9. “Residential treatment” is a service provided in a structured live-in environment within a nonhospital setting on a 24-hours-per-day, 7-days-per-week basis, and is intended for individuals who meet the placement criteria for this component.

(b) “Intervention” means structured services directed toward individuals or groups at risk of substance abuse and focused on reducing or impeding those factors associated with the onset or the early stages of substance abuse and related problems.

(c) “Prevention” means a process involving strategies that are aimed at the individual, family, community, or substance and that preclude, forestall, or impede the development of substance use problems and promote responsible lifestyles.

(28) “Medication-assisted treatment (MAT)” is the use of medications approved by the United States Food and Drug Administration, in combination with counseling and behavioral therapies, to provide a holistic approach to the treatment of substance abuse.

(29) “Medical monitoring” means oversight and treatment, 24 hours per day by medical personnel who are licensed under chapter 458, chapter 459, or chapter 464, of individuals whose subacute problems are so severe that the individuals require intensive inpatient treatment by an interdisciplinary team.

(30) “Not for profit” means registered as not for profit by the Secretary of State and recognized by the Internal Revenue Service as a not-for-profit entity.

(31) “Peer specialist” means a person who has been in recovery from a substance use disorder or mental illness for at least 2 years who uses his or her personal experience to provide services in behavioral health settings to support others in their recovery, or a person who has at least 2 years of experience as a family member or caregiver of an individual who has a substance use disorder or mental illness. The term does not include a qualified professional or a person otherwise certified under chapter 394 or this chapter.

(32) “Physician” means a person licensed under chapter 458 to practice medicine or licensed under chapter 459 to practice osteopathic medicine, and may include, if the context so indicates, an intern or resident enrolled in an intern or resident training program affiliated with an approved medical school, hospital, or other facility through which training programs are normally conducted.

(33) “Physician assistant” means a person licensed under chapter 458 or chapter 459 to practice medicine under the supervision of a physician or psychiatrist whose specialty includes substance abuse treatment.

(34) “Private practitioner” means a physician or a physician assistant licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a clinical social worker, marriage and family therapist, or mental health counselor licensed under chapter 491.

(35) “Program evaluation” or “evaluation” means a systematic measurement of a service provider’s achievement of desired individual or service outcomes.

(36) “Qualified professional” means a physician or a physician assistant licensed under chapter 458 or chapter 459; a professional licensed under chapter 490 or chapter 491; an advanced practice registered nurse licensed under part I of chapter 464; or a person who is certified through a department-recognized certification process for substance abuse treatment services and who holds, at a minimum, a bachelor’s degree. A person who is certified in substance abuse treatment services by a state-recognized certification process in another state at the time of employment with a licensed substance abuse provider in this state may perform the functions of a qualified professional as defined in this chapter but must meet certification requirements contained in this subsection no later than 1 year after his or her date of employment.

(37) “Quality improvement” means a systematic and organized approach to monitor and continuously improve the quality of services in order to maintain, restore, or improve outcomes in individuals and populations throughout a system of care.

(38) “Recovery” means a process of personal change through which individuals achieve abstinence from alcohol or drug use and improve health, wellness, and quality of life.

(39) “Recovery residence” means a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.

(40) “Recovery residence administrator” means the person responsible for overall management of the recovery residence, including, but not limited to, the supervision of residents and staff employed by, or volunteering for, the residence.

(41) “Recovery support” means services designed to strengthen or assist individuals to regain skills, develop the environmental supports necessary to help the individual thrive in the community, and meet life goals that promote recovery from alcohol and drug use. These services include, but are not limited to, economic, vocational, employment, educational, housing, and other ancillary services.

(42) “Screening” means the gathering of initial information to be used in determining a person’s need for assessment, services, or referral.

(43) “Secure facility,” except where the context indicates a correctional system facility, means a provider that has the authority to deter the premature departure of involuntary individuals whose leaving constitutes a violation of a court order or community-based supervision as provided by law. The term “secure facility” includes addictions receiving facilities and facilities authorized by local ordinance for the treatment of habitual abusers.

(44) “Service component” or “component” means a discrete operational entity within a service provider which is subject to licensing as defined by rule. Service components include prevention, intervention, and clinical treatment described in subsection (27).

(45) “Service provider” or “provider” means a public agency, a private for-profit or not-for-profit agency, a person who is a private practitioner, or a hospital licensed under this chapter or exempt from licensure under this chapter.

(46) “Service provider personnel” or “personnel” includes all owners, directors, chief financial officers, staff, and volunteers, including foster parents, of a service provider.

(47) “Stabilization” means:

(a) Alleviation of a crisis condition; or

(b) Prevention of further deterioration,

and connotes short-term emergency treatment.

(48) “Substance abuse” means the misuse or abuse of, or dependence on alcohol, illicit drugs, or prescription medications. As an individual progresses along this continuum of misuse, abuse, and dependence, there is an increased need for substance abuse intervention and treatment to help abate the problem.

(49) “Substate entity” means a departmental office designated to serve a geographical area specified by the department.

(50) “System of care” means a coordinated continuum of community-based services and supports that are organized to meet the challenges and needs of individuals who are at risk of developing substance abuse problems or individuals who have substance abuse problems.

(51) “Treatment plan” means an immediate and a long-range plan based upon an individual’s assessed needs and used to address and monitor an individual’s recovery from substance abuse.

History.—s. 2, ch. 93-39; s. 55, ch. 95-228; s. 1, ch. 98-107; s. 1, ch. 98-262; s. 107, ch. 99-8; s. 52, ch. 2000-139; s. 1, ch. 2002-196; s. 78, ch. 2004-11; s. 2, ch. 2005-55; s. 8, ch. 2009-132; s. 80, ch. 2010-5; s. 112, ch. 2014-19; s. 1, ch. 2015-100; s. 21, ch. 2016-241; s. 2, ch. 2017-173; s. 24, ch. 2018-106; s. 2, ch. 2019-159; s. 9, ch. 2020-39; s. 1, ch. 2024-176; s. 21, ch. 2024-245.

397.321 Duties of the department.—The department shall:

(1) Develop a comprehensive state plan for the provision of substance abuse services. The plan must include:

(a) Identification of incidence and prevalence of problems related to substance abuse.

(b) Description of current services.

(c) Need for services.

(d) Cost of services.

(e) Priorities for funding.

(f) Strategies to address the identified needs and priorities.

(g) Resource planning.

(2) Ensure that a plan for substance abuse services is developed at the local substate entity level in accordance with the provisions of part IV of chapter 394.

(3) Provide on a direct or contractual basis, within the context of funds made available by appropriation:

(a) Public education programs and an information clearinghouse to disseminate information about the nature and effects of substance abuse.

(b) Training for personnel who provide substance abuse services.

(c) A data collection and dissemination system, in accordance with applicable federal confidentiality regulations.

(d) Basic epidemiological and statistical research and the dissemination of results.

(e) Research in cooperation with qualified researchers on services delivered pursuant to this chapter.

(4) Establish a funding program for the dissemination of available federal, state, and private funds through contractual agreements with community-based organizations or units of state or local government which deliver local substance abuse services.

(5) Assume responsibility for adopting rules as necessary to comply with this chapter, including other state agencies in this effort, as appropriate.

(6) Assume responsibility for licensing and regulating licensable service components delivering substance abuse services on behalf of service providers pursuant to this chapter.

(7) Ensure that each licensed service provider develops a system and procedures for:

(a) Clinical assessment.

(b) Treatment planning.

(c) Referral.

(d) Progress reviews.

(e) Followup.

(8) Provide for the systematic and comprehensive program evaluation of substance abuse service providers that are state-owned, state-operated, or state-contracted.

(9) Advise the Governor in the preparation of plans to be submitted for federal funding and support.

(10) Provide a system of documentation and reporting commensurate with the requirements of federal and other agencies providing funding to the state.

(11) Provide, within available funds, training and technical assistance to other state agencies relative to the problem of substance abuse and develop joint agreements with other state agencies to enhance the sharing of information and services.

(12) Develop standards for employee assistance programs for employees of state government, local governments, and private business.

(13) Ensure that service provider personnel have background checks as required in this chapter and meet the minimum standards.

(14) In cooperation with service providers, foster and actively seek additional funding to enhance resources for prevention, intervention, clinical treatment, and recovery support services, including, but not limited to, the development of partnerships with:

(a) Private industry.

(b) Intradepartmental and interdepartmental program offices, including, but not limited to, child care services; family safety; delinquency services; health services; economic services; and children’s medical services.

(c) State agencies, including, but not limited to, the Department of Corrections, the Department of Education, the Department of Juvenile Justice, the Department of Elderly Affairs, the Department of Health, the Department of Financial Services, and the Agency for Health Care Administration.

(15) Recognize a statewide certification process for addiction professionals and identify and endorse one or more entities responsible for such certification of service provider personnel. Any decision by a department-recognized credentialing entity to deny, revoke, or suspend a certification, or otherwise impose sanctions on an individual who is certified, is reviewable by the department. Upon receiving an adverse determination, the person aggrieved may request an administrative hearing pursuant to ss. 120.569 and 120.57(1) within 30 days after completing any appeals process offered by the credentialing entity or the department, as applicable.

(16) Provide sufficient and qualified staff to oversee all contracting, licensing, and planning functions within each of its substate offices, as permitted by legislative appropriation.

(17) Ensure that the department develops and ensures the implementation of procedures between its Substance Abuse Program Office and other departmental programs regarding the referral of substance abuse impaired persons to service providers, information on service providers, information on methods of identifying substance abuse impaired juveniles, and procedures for referring such juveniles to appropriate service providers.

(18) Designate addictions receiving facilities for the purpose of ensuring that only qualified service providers render services within the context of a secure facility setting.

(19) Develop and prominently display on its website all forms necessary for the implementation and administration of parts IV and V of this chapter. These forms shall include, but are not limited to, a petition for involuntary admission form and all related pleading forms, and a form to be used by law enforcement agencies pursuant to s. 397.6772. The department shall notify law enforcement agencies, the courts, and other state agencies of the existence and availability of such forms.

History.—s. 2, ch. 93-39; s. 2, ch. 97-208; s. 34, ch. 97-271; s. 6, ch. 98-152; ss. 53, 54, ch. 2000-139; s. 17, ch. 2000-349; s. 9, ch. 2009-132; s. 273, ch. 2011-142; ss. 22, 69, ch. 2016-241; s. 3, ch. 2019-159; s. 10, ch. 2020-39.

397.333 Statewide Drug Policy Advisory Council.—

(1)(a) The Statewide Drug Policy Advisory Council shall be located in the Department of Health. The Surgeon General or his or her designee shall be a nonvoting, ex officio member of the advisory council and shall act as chairperson. The director of the Office of Planning and Budgeting or his or her designee shall be a nonvoting, ex officio member of the advisory council. The Department of Health or its successor agency shall provide staff support for the advisory council.

(b) The following state officials shall be appointed to serve on the advisory council:

1. The Attorney General, or his or her designee.
2. The executive director of the Department of Law Enforcement, or his or her designee.
3. The Secretary of Children and Families, or his or her designee.
4. The director of the Office of Planning and Budgeting in the Executive Office of the Governor, or his or her designee.
5. The Secretary of Corrections, or his or her designee.
6. The Secretary of Juvenile Justice, or his or her designee.
7. The Commissioner of Education, or his or her designee.
8. The executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee.
9. The Adjutant General of the state as the Chief of the Department of Military Affairs, or his or her designee.

(c) In addition, the Governor shall appoint 7 members of the public to serve on the advisory council. Of the 7 appointed members, one member must have professional or occupational expertise in drug enforcement, one member must have professional or occupational expertise in substance abuse prevention, one member must have professional or occupational expertise in substance abuse treatment, and two members must have professional or occupational expertise in faith-based substance abuse treatment services. The remainder of the members appointed should have professional or occupational expertise in, or be generally knowledgeable about, issues that relate to drug enforcement and substance abuse programs and services. The members appointed by the Governor must, to the extent possible, equitably represent all geographic areas of the state.

(d) The President of the Senate shall appoint a member of the Senate to the advisory council and the Speaker of the House of Representatives shall appoint a member of the House of Representatives to the advisory council.

(e) The Chief Justice of the Supreme Court shall appoint a member of the judiciary to the advisory council.

(f) Members appointed by the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice shall be appointed to terms of 4 years each. However, for the purpose of providing staggered terms, of the Governor's initial appointments, five members shall be appointed to 2-year terms and six members shall be appointed to 4-year terms.

(2)(a) Any vacancy on the advisory council shall be filled in the same manner as the original appointment, and any member appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member's predecessor. A member is eligible for reappointment.

(b) Members of the advisory council and members of workgroups appointed under subsection (4) shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(c) The advisory council shall meet at least quarterly or upon the call of the chairperson.

(3) The advisory council shall:

(a) Conduct a comprehensive analysis of the problem of substance abuse in this state and make recommendations to the Governor and Legislature for developing and implementing a state drug control strategy. The advisory council shall determine the most effective means of establishing clear and meaningful lines of communication between the advisory council and the public and private sectors in order to ensure that the process of developing and implementing the state drug control strategy has afforded a broad spectrum of the public and private sectors an opportunity to comment and make recommendations.

(b) Review and make recommendations to the Governor and Legislature on funding substance abuse programs and services, consistent with the state drug control strategy, as developed. The council may recommend the creation of a separate appropriations category for funding services delivered or procured by state agencies and may recommend the use of performance-based contracting as provided in s. 414.065.

(c) Review various substance abuse programs and recommend, where needed, measures that are sufficient to determine program outcomes. The council shall review different methodologies for evaluating programs and determine whether programs within different agencies have common outcomes. The methodologies shall be consistent with those established under former s. 216.0166.

(d) Review the drug control strategies and programs of, and efforts by, other states and the Federal Government and compile the relevant research.

(e) Recommend to the Governor and Legislature applied research projects that would use research capabilities within the state, including, but not limited to, the resources of the State University System, for the purpose of achieving improved outcomes and making better-informed strategic budgetary decisions.

(f) Recommend to the Governor and Legislature changes in law which would remove barriers to or enhance the implementation of the state drug control strategy.

(g) Make recommendations to the Governor and the Legislature on the need for public information campaigns to be conducted in the state to limit substance abuse.

(h) Ensure that there is a coordinated, integrated, and multidisciplinary response to the substance abuse problem in this state, with special attention given to creating partnerships within and between the public and private sectors, and to the coordinated, supported, and integrated delivery of multiple-system services for substance abusers, including a multiagency team approach to service delivery.

(i) Assist communities and families in pooling their knowledge and experiences with respect to the problem of substance abuse. Forums for exchanging ideas, experiences, and practical information, as well as instruction, should be considered. For communities, such instruction may involve issues of funding, staffing, training, and neighborhood and parental involvement, and instruction on other issues. For families, such instruction may involve practical strategies for addressing family substance abuse; improving cognitive, communication, and decisionmaking skills; providing parents with techniques for resolving conflicts, communicating, and cultivating meaningful relationships with their children and establishing guidelines for their children; educating families about drug-free programs and activities in which they may serve as participants and planners; and other programs of similar instruction. To maximize the effectiveness of such forums, multiple agencies should participate.

(j) Examine the extent to which all state programs that involve substance abuse treatment can include a meaningful work component, and identify any change in the law which would remove barriers to or enhance the work component for a substance abuse treatment program.

(k) Recommend to the Governor and the Legislature ways to expand and fund drug courts, which have proven effective in the state's drug control strategy.

(4)(a) The chairperson of the advisory council shall appoint workgroups that include members of state agencies that are not represented on the advisory council and shall solicit input and recommendations from those state agencies. In addition, the chairperson may appoint workgroups as necessary from among the members of the advisory council in order to efficiently address specific issues. A representative of a state agency appointed to any workgroup shall be the head of the agency, or his or her designee. The chairperson may designate lead and contributing agencies within a workgroup.

(b) The advisory council shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year which contains a summary of the work of the council during that year and the recommendations required under subsection (3). Interim reports may be submitted at the discretion of the chairperson of the advisory council.

History.—s. 3, ch. 99-187; s. 2, ch. 2001-110; s. 48, ch. 2008-6; s. 8, ch. 2011-51; s. 113, ch. 2014-19; s. 40, ch. 2015-2.

397.334 Treatment-based drug court programs.—

(1) Each county may fund a treatment-based drug court program under which persons in the justice system assessed with a substance abuse problem will be processed in such a manner as to appropriately address the severity of the identified substance abuse problem through treatment services tailored to the individual needs of the participant. It is the intent of the Legislature to encourage the Department of Corrections, the Department of Children and Families, the Department of Juvenile Justice, the Department of Health, the Department of Law Enforcement, the Department of Education, and such agencies, local governments, law enforcement agencies, other interested public or private sources, and individuals to support the creation and establishment of these problem-solving court programs. Participation in the treatment-based drug court programs does not divest any public or private agency of its responsibility for a child or adult, but enables these agencies to better meet their needs through shared responsibility and resources.

(2) Entry into any pretrial treatment-based drug court program shall be voluntary. When s. 948.08(6)(c)1. does not apply, the court may order an eligible individual to enter into a pretrial treatment-based drug court program only upon written agreement by the individual, which shall include a statement that the individual understands the requirements of the program and the potential sanctions for noncompliance.

(3)(a) Entry into any postadjudicatory treatment-based drug court program as a condition of probation or community control pursuant to s. 948.01, s. 948.06, or s. 948.20 must be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

(b) An offender who is sentenced to a postadjudicatory drug court program and who, while a drug court participant, is the subject of a violation of probation or community control under s. 948.06 shall have the violation of probation or community control heard by the judge presiding over the postadjudicatory drug court program. The judge shall dispose of any such violation, after a hearing on or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.

(4) The treatment-based drug court programs shall include therapeutic jurisprudence principles and adhere to the following 10 key components, recognized by the Drug Courts Program Office of the Office of Justice Programs of the United States Department of Justice and adopted by the Florida Supreme Court Treatment-Based Drug Court Steering Committee:

(a) Drug court programs integrate alcohol and other drug treatment services with justice system case processing.

(b) Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

(c) Eligible participants are identified early and promptly placed in the drug court program.

(d) Drug court programs provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

(e) Abstinence is monitored by frequent testing for alcohol and other drugs.

(f) A coordinated strategy governs drug court program responses to participants' compliance.

(g) Ongoing judicial interaction with each drug court program participant is essential.

(h) Monitoring and evaluation measure the achievement of program goals and gauge program effectiveness.

(i) Continuing interdisciplinary education promotes effective drug court program planning, implementation, and operations.

(j) Forging partnerships among drug court programs, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

(5) Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, postadjudicatory programs as provided in ss. 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of secure detention under chapter 985 if a child or a period of incarceration within the time limits established for contempt of court if an adult. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a treatment-based drug court program.

(6)(a) Contingent upon an annual appropriation by the Legislature, each judicial circuit shall establish, at a minimum, one coordinator position for the treatment-based drug court program within the state courts system to coordinate the responsibilities of the participating agencies and service providers. Each coordinator shall provide direct support to the treatment-based drug court program by providing coordination between the multidisciplinary team and the judiciary, providing case management, monitoring compliance of the participants in the treatment-based drug court program with court requirements, and managing the collection of data for program evaluation and accountability.

(b) Each treatment-based drug court program shall collect sufficient client-level data and programmatic information for purposes of program evaluation. Client-level data includes primary offenses that resulted in the treatment-based drug court program referral or sentence, treatment compliance, completion status and reasons for failure to complete, offenses committed during treatment and the sanctions imposed, frequency of court appearances, and units of service. Programmatic information includes referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources. Each treatment-based drug court program must annually report the programmatic information and aggregate data on the number of treatment-based drug court program admissions and terminations by type of termination to the Office of the State Courts Administrator.

(7)(a) The Florida Association of Drug Court Professionals is created. The membership of the association may consist of treatment-based drug court program practitioners who comprise the multidisciplinary treatment-based drug court program team, including, but not limited to, judges, state attorneys, defense counsel, treatment-based drug court program coordinators, probation officers, law enforcement officers, community representatives, members of the academic community, and treatment professionals. Membership in the association shall be voluntary.

(b) The association shall annually elect a chair whose duty is to solicit recommendations from members on issues relating to the expansion, operation, and institutionalization of treatment-based drug court programs. The chair is responsible for providing on or before October 1 of each year the association's recommendations and an annual report to the appropriate Supreme Court committee or to the appropriate personnel of the Office of the State Courts Administrator.

(8) If a county chooses to fund a treatment-based drug court program, the county must secure funding from sources other than the state for those costs not otherwise assumed by the state pursuant to s. 29.004. However, this does not preclude counties from using treatment and other service dollars provided through state executive branch agencies. Counties may provide, by interlocal agreement, for the collective funding of these programs.

(9) The chief judge of each judicial circuit may appoint an advisory committee for the treatment-based drug court program. The committee shall be composed of the chief judge, or his or her designee, who shall serve as chair; the judge of the treatment-based drug court program, if not otherwise designated by the chief judge as his or her designee; the state attorney, or his or her designee; the public defender, or his or her designee; the treatment-based drug court program coordinators; community representatives; treatment representatives; and any other persons the chair finds are appropriate.

(10)(a) Information relating to a participant or a person considered for participation in a treatment-based drug court program which is contained in the following records is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Records created or compiled during screenings for participation in the program.
2. Records created or compiled during substance abuse screenings.
3. Behavioral health evaluations.
4. Subsequent treatment status reports.

(b) Such confidential and exempt information may be disclosed:

1. Pursuant to a written request of the participant or person considered for participation, or his or her legal representative.
2. To another governmental entity in the furtherance of its responsibilities associated with the screening of a person considered for participation in or the provision of treatment to a person in a treatment-based drug court program.

(c) Records of a service provider which pertain to the identity, diagnosis, and prognosis of or provision of service to any person shall be disclosed pursuant to s. 397.501(7).

(d) This exemption applies to such information described in paragraph (a) relating to a participant or a person considered for participation in a treatment-based drug court program before, on, or after the effective date of this exemption.

History.—s. 1, ch. 2001-48; s. 109, ch. 2003-402; s. 72, ch. 2004-265; s. 6, ch. 2006-97; s. 108, ch. 2006-120; s. 1, ch. 2009-64; s. 81, ch. 2010-5; s. 1, ch. 2011-33; s. 114, ch. 2014-19; s. 1, ch. 2014-174; s. 21, ch. 2016-127; s. 1, ch. 2019-30; ss. 15, 143, ch. 2019-167; s. 1, ch. 2023-191.

397.335 Statewide Council on Opioid Abatement.—

(1) ESTABLISHMENT.—The Statewide Council on Opioid Abatement, an advisory council as defined in s. 20.03(7), is created within the department for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims and families of the crisis.

(2) MEMBERSHIP.—

(a) Notwithstanding s. 20.052, the council shall be composed of the following members:

1. The Attorney General, or his or her designee, who shall serve as chair.
2. The secretary of the department, or his or her designee, who shall serve as vice chair.
3. One member appointed by the Governor.
4. One member appointed by the President of the Senate.
5. One member appointed by the Speaker of the House of Representatives.
6. Two members appointed by the Florida League of Cities who are commissioners or mayors of municipalities. One member shall be from a municipality with a population of fewer than 50,000 people.
7. Two members appointed by or through the Florida Association of Counties who are county commissioners or mayors. One member shall be appointed from a county with a population of fewer than 200,000, and one member shall be appointed from a county with a population of more than 200,000.
8. One member who is either a county commissioner or county mayor appointed by the Florida Association of Counties or who is a commissioner or mayor of a municipality appointed by the Florida League of Cities. The Florida Association of Counties shall appoint such member for the initial term, and future appointments must alternate between a member appointed by the Florida League of Cities and a member appointed by the Florida Association of Counties.

(b) Each member shall serve a 2-year term. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(c) A member may not receive a commission, fee, or financial benefit in connection with serving on the council. Council members may be reimbursed for per diem and travel expenses in accordance with s. 112.061 by the state agency that the member represents. If the member is not affiliated with a state agency, the member shall be reimbursed by the department.

(3) ORGANIZATION AND SUPPORT.—

(a) The first meeting of the council must be held by August 31, 2023.

(b) The council shall meet quarterly and upon the call of the chair or two other members. Meetings of the council may take place in person or through electronic transmission using communications media technology as described in s. 120.54(5)(b)2.

(c) A majority of the members of the council shall constitute a quorum.

(d) The department and the Department of Legal Affairs shall provide the council with staff necessary to assist the council in the performance of its duties.

(e) The council may apply for and accept funds, grants, gifts, and services from the state, the Federal Government or any of its agencies, or any other public or private source for the purposes of defraying costs or performing its duties.

(f) All members shall adhere to all applicable general law, rules, and regulations, including, but not limited to, s. 112.311, concerning the disclosure of conflicts of interest and recusal from discussions or votes on conflicted matters.

(4) DUTIES.—

(a) The council shall advise the state and local governments on resolving or abating the opioid epidemic and review how settlement moneys recovered from the opioid litigation brought by the state and its subdivisions have been spent and the results that have been achieved from those expenditures.

(b) The council shall work with, provide information to, and receive information from the Statewide Drug Policy Advisory Council and ensure that its recommendations and actions are consistent with that council's recommendations to the extent possible.

(c) The council shall review data from local, state, and national agencies, both on a regional and a statewide basis, to advise state and local governments on the status, severity, and stage of the opioid epidemic.

(d) The council shall review data from local governments, other states, and national agencies regarding how moneys are being spent to abate the opioid epidemic, the success of such programs, and the appropriate metrics needed to assess the epidemic and progress in abating it.

(e) By June 30 of each year, each county, municipality, managing entity, or state agency that receives settlement funds from an opioid settlement shall provide information to the council related to how it intends to use settlement funds and how it intends to collect data regarding its use of funds.

(f) By August 31 of each year, each county, municipality, managing entity, or state agency that receives settlement funds from an opioid settlement must provide information to the council related to its expenditure of settlement funds and the results obtained from those expenditures.

(g) The council shall develop and recommend metrics, measures, or datasets to assess the progress and success of programs funded by expenditures of opioid settlement funds. The council must attempt to keep such metrics, measures, or datasets consistent with those used by the state with managing entities, as well as any metrics, measures, or datasets required by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services in connection with any grants received by the state. Upon request of the council, a county, municipality, managing entity, or state agency must provide the council data or information required to develop such metrics, measures, or datasets.

(h) The council, with assistance and support of the department, shall provide a system of documentation and reporting in accordance with the requirements of federal agencies and any other agencies providing funding to the state, including auditing expenditures consistent with any requirements imposed by the Legislature.

(i) By each December 1, the council shall provide and publish an annual report. The report shall contain information on how settlement moneys were spent the previous fiscal year by the state, each of the managing entities, and each of the counties and municipalities. The report shall also contain recommendations to the Governor, the Legislature, and local governments for how moneys should be prioritized and spent in the coming fiscal year to respond to the opioid epidemic.

(j) The report shall be posted on the websites of the department and the Department of Legal Affairs.

History.—s. 2, ch. 2023-184; s. 34, ch. 2024-2.

397.341 Transportation of individuals by law enforcement officers.—A law enforcement officer transporting an individual pursuant to this chapter shall restrain that individual in the least restrictive manner available and appropriate under the circumstances.

History.—s. 3, ch. 2022-41.

PART II
SERVICE PROVIDERS

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397.401 License required; penalty; injunction; rules waivers.—

(1) It is unlawful for any person or agency to act as a substance abuse service provider unless it is licensed or exempt from licensure under this chapter.

(2) A violation of subsection (1) is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The department may maintain an action in circuit court to enjoin the unlawful operation of a substance abuse service provider if the department first gives the violator 14 days' notice of its intent to maintain such action and the violator fails to apply for licensure within that 14-day period. If the department determines that the health, safety, and welfare of individuals are jeopardized, the department may move to enjoin the operation at any time during the 14-day period. If the service provider has already applied for licensure under this chapter and has been denied licensure, the department may move immediately to obtain an injunction.

(4) In accordance with this subsection, the department may waive rules adopted pursuant to this chapter in order to allow service providers to demonstrate and evaluate innovative or cost-effective substance abuse services alternatives. Rules waivers may be granted only in instances where there is reasonable assurance that the health, safety, or welfare of individuals will not be endangered. To apply for a rules waiver, the applicant must be a service provider licensed under this chapter and must submit to the department a written description of the concept to be demonstrated, including:

(a) Objectives and anticipated benefits.

(b) The number and types of individuals who will be affected.

(c) A description of how the demonstration will be evaluated.

(d) Any other information requested by the department.

A service provider granted a rules waiver under this subsection must submit a detailed report of the results of its findings to the department within 12 months after receiving the rules waiver. Upon receiving and evaluating the detailed report, the department may renew or revoke the rules waiver or seek any regulatory or statutory changes necessary to allow other service providers to implement the same alternative service.

(5) The department shall allow a service provider in operation at the time of adoption of any rule a reasonable period, not to exceed 1 year, to bring itself into compliance with the rule.

(6) A service provider operating an addictions receiving facility or providing detoxification on a nonhospital inpatient basis may not exceed its licensed capacity by more than 10 percent and may not exceed their licensed capacity for more than 3 consecutive working days or for more than 7 days in 1 month.

History.—s. 3, ch. 93-39; s. 11, ch. 2009-132; s. 3, ch. 2017-173; s. 22, ch. 2024-245.

397.4012 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

(1) A hospital or hospital-based component licensed under chapter 395.

(2) A nursing home facility as defined in s. 400.021.

(3) A substance abuse education program established pursuant to s. 1003.42.

(4) A facility or institution operated by the Federal Government.

(5) A physician or physician assistant licensed under chapter 458 or chapter 459.

(6) A psychologist licensed under chapter 490.

(7) A social worker, marriage and family therapist, or mental health counselor licensed under chapter 491.

(8) A legally cognizable church or nonprofit religious organization or denomination providing substance abuse services, including prevention services, which are solely religious, spiritual, or ecclesiastical in nature. A church or nonprofit religious organization or denomination providing any of the licensed service components itemized under s. 397.311(27) is not exempt from substance abuse licensure but retains its exemption with respect to all services which are solely religious, spiritual, or ecclesiastical in nature.

(9) Facilities licensed under chapter 393 which, in addition to providing services to persons with developmental disabilities, also provide services to persons developmentally at risk as a consequence of exposure to alcohol or other legal or illegal drugs while in utero.

(10) DUI education and screening services provided pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291. Persons or entities providing treatment services must be licensed under this chapter unless exempted from licensing as provided in this section.

(11) A facility licensed under s. 394.875 as a crisis stabilization unit.

The exemptions from licensure in subsections (3), (4), (8), (9), and (10) do not apply to any service provider that receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated under s. 397.4014. Furthermore, this chapter may not be construed to limit the practice of a physician or physician assistant licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, a psychotherapist licensed under chapter 491, or an advanced practice registered nurse licensed under part I of chapter 464, who provides substance abuse treatment, so long as the physician, physician assistant, psychologist, psychotherapist, or advanced practice registered nurse does not represent to the public that he or she is a licensed service provider and does not provide services to individuals under part V of this chapter. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 3, ch. 93-39; s. 734, ch. 95-148; s. 65, ch. 97-190; s. 208, ch. 99-13; s. 9, ch. 2000-350; s. 51, ch. 2001-45; s. 31, ch. 2001-62; s. 3, ch. 2002-196; s. 985, ch. 2002-387; s. 91, ch. 2004-267; s. 4, ch. 2005-55; s. 44, ch. 2006-1; s. 40, ch. 2006-227; s. 13, ch. 2009-132; s. 8, ch. 2015-100; s. 70, ch. 2016-241; s. 4, ch. 2017-173; s. 25, ch. 2018-106; s. 11, ch. 2020-39; s. 9, ch. 2024-176.

Note.—Former s. 397.405.

397.4014 Licensure and regulation of government-operated substance abuse programs.—Substance abuse programs operated directly or under contract by the department, the Department of Corrections, the Department of Juvenile Justice, any other state agency, or any local correctional agency or authority, which programs constitute any service provider licensable components as defined in this chapter, are subject to licensure and regulation in accordance with rules jointly developed by the department and the state or local agency operating the program. The department has authority to exempt such government-operated programs from specific licensure provisions of this part, including, but not limited to, licensure fees and personnel background checks, and to enforce the regulatory requirements governing such programs.

History.—s. 3, ch. 93-39; s. 14, ch. 2009-132; s. 8, ch. 2015-4; s. 5, ch. 2017-173;

Note.—Former s. 397.406.

397.403 License application.—

(1) Applicants for a license under this chapter must apply to the department on forms provided by the department and in accordance with rules adopted by the department. Applications must include at a minimum:

(a) Information establishing the name and address of the applicant service provider and its director, and also of each member, owner, officer, and shareholder, if any.

(b) Information establishing the competency and ability of the applicant service provider and its director to carry out the requirements of this chapter.

(c) Proof satisfactory to the department of the applicant service provider's financial ability and organizational capability to operate in accordance with this chapter.

(d) Proof of liability insurance coverage in amounts set by the department by rule.

(e) Sufficient information to conduct background screening for all owners, directors, chief financial officers, and clinical supervisors as provided in s. 397.4073.

(f) Proof of satisfactory fire, safety, and health inspections, and compliance with local zoning ordinances. Service providers operating under a regular annual license shall have 18 months from the expiration date of their regular license within which to meet local zoning requirements. Applicants for a new license must demonstrate proof of compliance with zoning requirements prior to the department issuing a probationary license.

(g) A comprehensive outline of the proposed services, including sufficient detail to evaluate compliance with clinical and treatment best practices, for:

1. Any new applicant; or

2. Any licensed service provider adding a new licensable service component.

(h) Proof of the ability to provide services in accordance with department rules.

(i) Any other information that the department finds necessary to determine the applicant's ability to carry out its duties under this chapter and applicable rules.

(j) The names and locations of any recovery residences to which the applicant service provider plans to refer patients or from which the applicant service provider plans to accept patients.

(k) Proof of a prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this paragraph, "marijuana" includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

(2) The department shall accept proof of accreditation by an accrediting organization whose standards incorporate comparable licensure regulations required by this state, or through another nationally recognized certification process that is acceptable to the department and meets the minimum licensure requirements under this chapter, in lieu of requiring the applicant to submit the information required by paragraphs (1)(a)-(c).

(3) Applications for licensure renewal must include proof of application for accreditation for each licensed service component providing clinical treatment by an accrediting organization that is acceptable to the department for the first renewal, and proof of accreditation for any subsequent renewals. This subsection does not apply to any inmate substance abuse program operated by or under an exclusive contract with a jail or the Department of Corrections.

(4) The burden of proof with respect to any requirement for application for licensure as a service provider under this chapter is on the applicant.

(5) An applicant who willfully and knowingly makes a false representation of material fact in a license application or who willfully and knowingly omits any material fact from a license application commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 3, ch. 93-39; s. 5, ch. 2001-171; s. 6, ch. 2001-191; s. 2, ch. 2002-196; s. 12, ch. 2009-132; s. 4, ch. 2013-93; s. 6, ch. 2017-173; s. 16, ch. 2019-167; s. 1, ch. 2021-128; s. 2, ch. 2022-31; s. 1, ch. 2023-298.

397.407 Licensure process; fees.—

(1) The department shall establish the licensure process to include fees and categories of licenses and must prescribe a fee range that is based, at least in part, on the number and complexity of programs listed in s. 397.311(27) which are operated by a licensee. The fees from the licensure of service components are sufficient to cover the costs of regulating the service components. The department shall specify a fee range for public and privately funded licensed service providers. Fees for privately funded licensed service providers must exceed the fees for publicly funded licensed service providers.

(2) The department shall assess a fee of $100 per licensed service component for the late filing of an application for renewal of a license.

(3) Licensure and renewal fees must be deposited in the Operations and Maintenance Trust Fund to be used for the actual cost of monitoring, inspecting, and overseeing licensed service providers.

(4) Each application for licensure or renewal must be accompanied by the required fee, except that a service provider that has an all-volunteer staff is exempt from the licensure and renewal fees.

(5) The department shall conduct background screening, as provided in s. 397.4073, as part of the licensure application for all owners, directors, chief financial officers, and clinical supervisors of a service provider. If the results of the background screening indicate that the individual has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to any offense prohibited under the screening standard, a license may not be issued to the applicant service provider unless an exemption from disqualification has been granted by the department as set forth in chapter 435. The individual has 90 days within which to obtain the required exemption, during which time the applicant's license remains in effect.

(6) The department may issue probationary, regular, and interim licenses. The department may issue one license for all service components operated by a service provider and defined pursuant to s. 397.311(27). The license is valid only for the specific service components listed for each specific location identified on the license. The licensed service provider shall apply for the addition of any service components and obtain approval before initiating additional services. The licensed service provider must notify the department and provide any required documentation at least 30 days before the relocation of any of its service sites. Provision of service components or delivery of services at a location not identified on the license may be considered an unlicensed operation that authorizes the department to seek an injunction against operation as provided in s. 397.401, in addition to other sanctions authorized by s. 397.415. Probationary and regular licenses may be issued only after all required information has been submitted. A license may not be transferred. As used in this subsection, the term "transfer" includes, but is not limited to, the transfer of a majority of the ownership interest in the licensed entity or transfer of responsibilities under the license to another entity by contractual arrangement.

(7) Upon receipt of a complete application, payment of applicable fees, and a demonstration of substantial compliance with all applicable statutory and regulatory requirements, the department may issue a probationary license to a service provider applicant with services that are not yet fully operational. The department may not issue a probationary license when doing so would place the health, safety, or welfare of individuals at risk. A probationary license expires 90 days after issuance and may not be reissued. During the probationary period the department shall monitor the delivery of services. Notwithstanding s. 120.60(5), the department may order a probationary licensee to cease and desist operations at any time it is found to be substantially out of compliance with licensure standards. This cease-and-desist order is exempt from the requirements of s. 120.60(6).

(8) A regular license may be issued to:

(a) A new applicant at the end of the probationary period.

(b) A licensed applicant that holds a regular license and is seeking renewal.

(c) An applicant for a service component operating under an interim license upon successful satisfaction of the requirements for a regular license.

In order to be issued a regular license, the applicant must be in compliance with statutory and regulatory requirements. An application for renewal of a regular license must be submitted to the department at least 60 days before the license expires. The department may deny a renewal application submitted fewer than 30 days before the license expires.

(9) The department may issue an interim license to a service provider for a period established by the department which does not exceed 90 days if the department finds that:

(a) A service component of the provider is in substantial noncompliance with licensure standards;

(b) The service provider has failed to provide satisfactory proof of conformance to fire, safety, or health requirements; or

(c) The service provider is involved in license suspension or revocation proceedings.

An interim license applies only to the licensable service component of the provider's services which is in substantial noncompliance with statutory or regulatory requirements. An interim license expires 90 days after it is issued; however, it may be reissued once for an additional 90-day period in a case of extreme hardship in which the noncompliance is not attributable to the licensed service provider. If the service provider is appealing the final disposition of license suspension or revocation proceedings, the court before which the appeal is taken may order the extension of the interim license for a period specified in the order.

(10) The license must be displayed in a conspicuous place inside the facility providing the licensed service component.

History.—s. 3, ch. 93-39; s. 22, ch. 96-418; s. 57, ch. 2000-158; s. 10, ch. 2000-338; s. 4, ch. 2002-196; s. 5, ch. 2005-55; s. 15, ch. 2009-132; s. 9, ch. 2015-4; s. 5, ch. 2015-100; s. 71, ch. 2016-241; s. 7, ch. 2017-173; ss. 2, 10, ch. 2024-176.

397.4073 Background checks of service provider personnel.—

(1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND EXCEPTIONS.—

(a) For all individuals screened on or after July 1, 2022, background checks shall apply as follows:

1. All owners, directors, chief financial officers, and clinical supervisors of service providers are subject to level 2 background screening as provided under s. 408.809 and chapter 435. Inmate substance abuse programs operated directly or under contract with the Department of Corrections are exempt from this requirement.

2. All service provider personnel who have direct contact with children receiving services or with adults who are developmentally disabled receiving services are subject to level 2 background screening as provided under s. 408.809 and chapter 435.

3. All peer specialists who have direct contact with individuals receiving services are subject to a background screening as provided in s. 397.417(4).

(b) Members of a foster family and persons residing with the foster family who are between 12 and 18 years of age are not required to be fingerprinted but must have their backgrounds checked for delinquency records. Members of the foster family and persons residing with the foster family over 18 years of age are subject to full background checks.

(c) A volunteer who assists on an intermittent basis for fewer than 40 hours per month and is under direct and constant supervision by persons who meet all personnel requirements of this chapter is exempt from fingerprinting and background check requirements.

(d) Service providers that are exempt from licensing provisions of this chapter are exempt from personnel fingerprinting and background check requirements, except as otherwise provided in this section. A church or nonprofit religious organization exempt from licensure under this chapter is required to comply with personnel fingerprinting and background check requirements.

(e) Personnel employed directly or under contract with the Department of Corrections in an inmate substance abuse program are exempt from the fingerprinting and background check requirements of this section unless they have direct contact with unmarried inmates under the age of 18 or with inmates who are developmentally disabled.

(f) Service provider personnel who request an exemption from disqualification must submit the request within 30 days after being notified of the disqualification. The department shall grant or deny the request within 60 days after receipt of a complete application.

(g) If 5 years or more, or 3 years or more in the case of a certified peer specialist or an individual seeking certification as a peer specialist pursuant to s. 397.417, have elapsed since an applicant for an exemption from disqualification has completed or has been lawfully released from confinement, supervision, or a nonmonetary condition imposed by a court for the applicant's most recent disqualifying offense, the applicant may work with adults with substance use disorders, mental health disorders, or co-occurring disorders under the supervision of persons who meet all personnel requirements of this chapter for up to 180 days after being notified of his or her disqualification or until the department makes a final determination regarding his or her request for an exemption from disqualification, whichever is earlier.

(h) The department may not issue a regular license to any service provider that fails to provide proof that background screening information has been submitted in accordance with chapter 435.

(i) Any physician licensed under chapter 458 or chapter 459 or a nurse licensed under chapter 464 who was required to undergo background screening by the Department of Health as part of his or her initial licensure or the renewal of licensure, and who has an active and unencumbered license, is not subject to background screening pursuant to this section.

(2) EMPLOYMENT HISTORY CHECKS; CHECKS OF REFERENCES.—The department shall assess employment history checks and checks of references for all owners, directors, chief financial officers, and clinical supervisors, and the directors shall assess employment history checks and checks of references for each employee who has direct contact with children receiving services or adults who are developmentally disabled receiving services.

(3) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR RECHECKED.—

(a) Service provider personnel who have been fingerprinted or had their backgrounds checked pursuant to chapter 393, chapter 394, chapter 402, or chapter 409, or this section, and teachers who have been fingerprinted pursuant to chapter 1012, who have not been unemployed for more than 90 days thereafter and who, under the penalty of perjury, attest to the completion of such fingerprinting or background checks and to compliance with the provisions of this section and the standards contained in chapter 435 and this section, are not required to be refingerprinted or rechecked.

(b) Service provider owners, directors, chief financial officers, or clinical supervisors who are not covered by paragraph (a) who provide proof of compliance with the level 2 background screening requirements which has been submitted within the previous 5 years in compliance with any other state health care licensure requirements are not required to be refingerprinted or rechecked.

(4) EXEMPTIONS FROM DISQUALIFICATION.—

(a) The department may grant to any service provider personnel an exemption from disqualification as provided in s. 435.07.

(b) For service providers that treat adolescents 13 years of age and older, service provider personnel whose background checks indicate crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related criminal attempt, solicitation, or conspiracy under s. 777.04:

1. Shall be exempted from disqualification from employment for such offenses pursuant to this paragraph if:

a. At least 5 years, or at least 3 years in the case of an individual seeking certification as a peer specialist under s. 397.417, have elapsed since the applicant requesting an exemption has completed or has been lawfully released from any confinement, supervision, or nonmonetary condition imposed by a court for the applicant's most recent disqualifying offense under this paragraph.

b. The applicant for an exemption has not been arrested for any offense during the 5 years, or 3 years in the case of a peer specialist, before the request for exemption.

2. May be exempted from disqualification from employment for such offenses without a waiting period as provided under s. 435.07(2).

(c) The department may grant exemptions from disqualification for service provider personnel to work solely in substance use disorder treatment programs, facilities, or recovery residences or in programs or facilities that treat co-occurring substance use and mental health disorders. The department may further limit such exemptions from disqualification to working with adults in substance abuse treatment facilities.

(5) PAYMENT FOR PROCESSING OF FINGERPRINTS AND STATE CRIMINAL RECORDS CHECKS.—The employing service provider or the personnel who are having their backgrounds checked are responsible for paying the costs of processing fingerprints and criminal records checks.

(6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State funds may not be disseminated to any service provider owned or operated by an owner, director, or chief financial officer who has been convicted of, has entered a plea of guilty or nolo contendere to, or has had adjudication withheld for, a violation of s. 893.135 pertaining to trafficking in controlled substances, or a violation of the law of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction which is substantially similar in elements and penalties to a trafficking offense in this state, unless the owner's or director's civil rights have been restored.

History.—s. 3, ch. 93-39; s. 20, ch. 94-134; s. 20, ch. 94-135; s. 46, ch. 94-218; s. 16, ch. 95-152; s. 13, ch. 95-158; s. 36, ch. 95-228; s. 2, ch. 95-407; s. 126, ch. 95-418; s. 9, ch. 96-268; s. 222, ch. 96-406; s. 10, ch. 99-188; s. 12, ch. 2000-320; s. 6, ch. 2002-196; s. 1, ch. 2002-212; s. 986, ch. 2002-387; s. 45, ch. 2004-267; s. 7, ch. 2005-128; s. 6, ch. 2006-171; s. 23, ch. 2009-132; s. 36, ch. 2016-105; s. 3, ch. 2016-231; s. 8, ch. 2017-173; s. 4, ch. 2019-159; s. 118, ch. 2019-167; s. 1, ch. 2020-38; s. 2, ch. 2022-13; s. 23, ch. 2024-245.

Note.—Former s. 397.451.

397.4075 Unlawful activities relating to personnel; penalties.—It is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

(1) Inaccurately disclose by false statement, misrepresentation, impersonation, or other fraudulent means, or fail to disclose, in any application for licensure or voluntary or paid employment, any fact which is material in making a determination as to the person's qualifications to be an owner, a director, a volunteer, or other personnel of a service provider;

(2) Operate or attempt to operate as a service provider with personnel who are in noncompliance with the minimum standards contained in this chapter; or

(3) Use or release any criminal or juvenile information obtained under this chapter for any purpose other than background checks of personnel for employment.

History.—s. 3, ch. 93-39; s. 69, ch. 2000-349; s. 9, ch. 2017-173; s. 5, ch. 2019-159.

Note.—Former s. 397.461.

397.410 Licensure requirements; minimum standards; rules.—

(1) The department shall establish minimum requirements for licensure of each service component, as defined in s. 397.311(27), including, but not limited to:

(a) Standards and procedures for the administrative management of the licensed service component, including procedures for recordkeeping, referrals, and financial management.

(b) Standards consistent with clinical and treatment best practices that ensure the provision of quality treatment for individuals receiving substance abuse treatment services.

(c) The number and qualifications of all personnel, including, but not limited to, management, nursing, and qualified professionals, having responsibility for any part of an individual's clinical treatment. These requirements must include, but are not limited to:

1. Education; credentials, such as licensure or certification, if appropriate; training; and supervision of personnel providing direct clinical treatment.
2. Minimum staffing ratios to provide adequate safety, care, and treatment.
3. Hours of staff coverage.
4. The maximum number of individuals who may receive clinical services together in a group setting.
5. The maximum number of licensed service providers for which a physician may serve as medical director and the total number of individuals he or she may treat in that capacity.

(d) Service provider facility standards, including, but not limited to:

1. Safety and adequacy of the facility and grounds.
2. Space, furnishings, and equipment for each individual served.
3. Infection control, housekeeping, sanitation, and facility maintenance.
4. Meals and snacks.

(e) Disaster planning policies and procedures.

(f) A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this paragraph, "marijuana" includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

(2) The department shall adopt rules to provide that if the criteria established under subsection (1) are not met, such deficiencies shall be classified according to the nature and the scope of the deficiency. The scope shall be cited as isolated, patterned, or widespread. The department shall indicate the classification on the face of the notice of deficiencies in accordance with s. 397.411.

(a) An isolated deficiency is a deficiency affecting one or a very limited number of individuals or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations.

(b) A patterned deficiency is a deficiency where more than a very limited number of individuals are affected or more than a very limited number of staff are involved, the situation has occurred in several locations, or the same individual or individuals have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility.

(c) A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive throughout the facility or represent systemic failure that has affected or has the potential to affect a large portion of individuals.

History.—s. 10, ch. 2017-173; s. 40, ch. 2022-4; s. 2, ch. 2023-298; s. 11, ch. 2024-176.

397.4103 Quality improvement programs.—

(1) Each service provider must maintain a quality improvement program to objectively and systematically monitor and evaluate the appropriateness and quality of care, to ensure that services are rendered consistent with prevailing professional standards, and to identify and resolve problems.

(2) For each service provider, a written plan must be developed with a copy made available upon request to the department which addresses the minimum guidelines for the provider's quality improvement program, including, but not limited to:

(a) Individual care and services standards.

(b) Individual records maintenance procedures.

(c) Staff development policies and procedures.

(d) Service-environment safety and maintenance standards.

(e) Peer review and utilization management review procedures.

(f) Incident reporting policies and procedures that include verification of corrective action, provision for reporting to the department within a time period prescribed by rule, documentation that incident reporting is the affirmative duty of all staff, and a provision that specifies that a person who files an incident report may not be subjected to any civil action by virtue of that incident report.

(3) The quality improvement program is the responsibility of the director and is subject to review and approval by the governing board of the service provider.

(4) Each director shall designate a person who is an employee of or under contract with the service provider as the provider's quality improvement manager.

(5) The department may access all service provider records necessary to determine compliance with this section. Records relating solely to actions taken in carrying out this section and records obtained by the department to determine a provider's compliance with this section are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health or the appropriate regulatory board, and are not part of the record of investigation and prosecution in disciplinary proceedings made available to the public by the Department of Health or the appropriate regulatory board. Meetings or portions of meetings of quality improvement program committees that relate solely to actions taken pursuant to this section are exempt from s. 286.011.

(6) The quality improvement program must also:

(a) Provide a framework for evaluating outcomes, including:

1. Output measures, such as capacities, technologies, and infrastructure, that make up the system of care.
2. Process measures, such as administrative and clinical components of treatment.
3. Outcome measures pertaining to the outcomes of services;

(b) Provide for a system of analyzing those factors which have an effect on performance at the local level;

(c) Provide for a system of reporting the results of quality improvement reviews; and

(d) Incorporate best practice models for use in improving performance in those areas which are deficient.

(7) Contingent upon specific appropriation, a quality improvement coordinator position shall be established within each substate entity to oversee the implementation and operation of the quality improvement program.

History.—s. 3, ch. 93-39; s. 45, ch. 94-218; s. 1, ch. 95-407; s. 221, ch. 96-406; s. 5, ch. 99-396; s. 20, ch. 2009-132; s. 11, ch. 2017-173.

Note.—Former s. 397.419.

397.4104 Record of recovery residences used by service providers.—

(1) By July 1, 2022, a service provider shall record in the department's Provider Licensure and Designations System the name and location of each recovery residence that the service provider has referred patients to or received patients from and update the record with any changes that occur. A service provider must update such record within 30 business days after the change.

(2) Beginning July 1, 2022, a licensed service provider that violates this section is subject to an administrative fine of $1,000 per occurrence. The department may suspend or revoke a service provider's license pursuant to s. 397.415 for repeat violations of this section.

History.—s. 3, ch. 2022-31.

397.411 Inspection; right of entry; classification of violations; records.—

(1)(a) An authorized agent of the department may conduct announced or unannounced inspections, at any time, of a licensed service provider to determine whether it is in compliance with statutory and regulatory requirements, including, but not limited to, the minimum requirements for licensure in s. 397.410.

(b) An authorized agent of the department may, with the permission of the person in charge of the premises or pursuant to a warrant, enter and inspect any unlicensed service provider it reasonably suspects to be operating in violation of any provision of this chapter.

(c) An application for licensure as a service provider under this chapter constitutes full permission for an authorized agent of the department to enter and inspect the premises of such service provider at any time.

(2) The department shall accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited according to the provisions of s. 394.741 and the department receives the report of the accrediting organization.

(3) Notwithstanding the confidentiality provisions of this chapter, a designated and authorized agent of the department may access the records of the individuals served by licensed service providers, but only for purposes of licensing, monitoring, and investigation. The department may interview individuals, as specified by rule.

(4) The authorized agents of the department may schedule periodic inspections of licensed service providers in order to minimize costs and the disruption of services; however, such authorized agents may inspect the facilities of any licensed service provider at any time.

(5) In an effort to coordinate inspections among agencies, the department shall notify applicable state agencies of any scheduled licensure inspections of service providers jointly funded by the agencies.

(6) The department shall maintain as public information, available to any person upon request and upon payment of a reasonable charge for copying, copies of licensure reports of licensed providers.

(7) Violations of this part or applicable rules shall be classified according to the nature of the violation and the gravity of its probable effect on an individual receiving substance abuse treatment. Violations shall be classified on the written notice as follows:

(a) Class "I" violations are those conditions or occurrences related to the operation and maintenance of a service component or to the treatment of an individual which the department determines present an imminent danger or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the department, is required for correction. The department shall impose an administrative fine as provided by law for a cited class I violation. A fine shall be levied notwithstanding the correction of the violation.

(b) Class "II" violations are those conditions or occurrences related to the operation and maintenance of a service component or to the treatment of an individual which the department determines directly threaten the physical or emotional health, safety, or security of the individual, other than class I violations. The department shall impose an administrative fine as provided by law for a cited class II violation. A fine shall be levied notwithstanding the correction of the violation.

(c) Class "III" violations are those conditions or occurrences related to the operation and maintenance of a service component or to the treatment of an individual which the department determines indirectly or potentially threaten the physical or emotional health, safety, or security of the individual, other than class I or class II violations. The department shall impose an administrative fine as provided in this section for a cited class III violation. A citation for a class III violation must specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, a fine may not be imposed.

(d) Class "IV" violations are those conditions or occurrences related to the operation and maintenance of a service component or to required reports, forms, or documents that do not have the potential of negatively affecting an individual. These violations are of a type that the department determines do not threaten the health, safety, or security of an individual. The department shall impose an administrative fine as provided in this section for a cited class IV violation. A citation for a class IV violation must specify the time within which the violation is required to be corrected. If a class IV violation is corrected within the time specified, a fine may not be imposed.

(8) The department shall establish a mechanism for the imposition and collection of fines for violations under this section no later than January 1, 2024.

History.—s. 3, ch. 93-39; s. 25, ch. 97-100; s. 4, ch. 2001-171; s. 7, ch. 2001-191; s. 17, ch. 2009-132; s. 12, ch. 2017-173; s. 3, ch. 2023-298.

397.415 Denial, suspension, and revocation; other remedies.—

(1) If the department determines that an applicant or licensed service provider or licensed service component thereof is not in compliance with all statutory and regulatory requirements, the department may deny, suspend, revoke, or impose reasonable restrictions or penalties on the license or any portion of the license. In such case:

(a) The department may:

1. Impose an administrative fine for a violation that is designated as a class I, class II, class III, or class IV violation pursuant to s. 397.411.

2. Impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation pursuant to s. 397.411. Unless otherwise specified by law, the amount of the fine may not exceed $500 for each violation. Unclassified violations may include:

a. Violating any term or condition of a license.

b. Violating any provision of this chapter or applicable rules.

c. Providing services beyond the scope of the license.

d. Violating a moratorium imposed pursuant to this section.

3. Establish criteria by rule for the amount or aggregate limitation of administrative fines applicable to this chapter and applicable rules, unless the amount or aggregate limitation of the fine is prescribed by statute. Each day of violation constitutes a separate violation and is subject to a separate fine. For fines imposed by final order of the department and not subject to further appeal, the violator shall pay the fine plus interest at the rate specified in s. 55.03 for each day beyond the date set by the department for payment of the fine. If a violator does not pay the fine plus any applicable interest within 60 days after the date set by the department, the department shall immediately suspend the violator's license.

(b) The department may require a corrective action plan approved by the department for any violation of this part or applicable rules.

(c) The department may impose an immediate moratorium or emergency suspension as defined in s. 120.60 on admissions to any service component of a licensed service provider if the department determines that conditions present a threat to the health, safety, or welfare of an individual or the public. Notice of the moratorium or emergency suspension shall be posted and visible to the public at the location of the provider until the action is lifted.

(d) The department may deny, suspend, or revoke the license of a service provider or may suspend or revoke the license as to the operation of any service component or location identified on the license for:

1. False representation of a material fact in the license application or omission of any material fact from the application.

2. An intentional or negligent act materially affecting the health or safety of an individual receiving services from the provider.

3. A violation of this chapter or applicable rules.

4. A demonstrated pattern of deficient performance.

5. Failure to immediately remove service provider personnel subject to background screening pursuant to s. 397.4073 who are arrested or found guilty of, regardless of adjudication, or have entered a plea of nolo contendere or guilty to any offense prohibited under the screening standard and notify the department within 2 days after such removal, excluding weekends and holidays.

(2) If a provider's license is revoked, the service provider is barred from submitting any application for licensure of the affected facility or service component to the department for a period of 1 year after the revocation. If the provider's license is revoked as to any service component or location identified on the license, the provider is barred from applying for licensure of the affected service component or location for 1 year after the revocation.

(3) Proceedings for the denial, suspension, or revocation of a service provider's license must be conducted in accordance with chapter 120.

(4) The department may maintain an action in court to enjoin the operation of any licensed or unlicensed provider, service component, or location in violation of this chapter or the rules adopted under this chapter.

History.—s. 3, ch. 93-39; s. 18, ch. 2009-132; s. 13, ch. 2017-173; s. 2, ch. 2021-128.

397.416 Substance abuse treatment services; qualified professional.—Notwithstanding any other provision of law, a person who was certified through a certification process recognized by the former Department of Health and Rehabilitative Services before January 1, 1995, may perform the duties of a qualified professional with respect to substance abuse treatment services as defined in this chapter, and need not meet the certification requirements contained in s. 397.311(36).

History.—s. 2, ch. 98-262; s. 5, ch. 2002-196; s. 60, ch. 2005-2; s. 6, ch. 2005-55; s. 19, ch. 2009-132; s. 9, ch. 2015-100; s. 72, ch. 2016-241; s. 30, ch. 2017-173; s. 13, ch. 2019-159; s. 12, ch. 2024-176.

397.417 Peer specialists.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that:

1. The ability to provide adequate behavioral health services is limited by a shortage of professionals and paraprofessionals.

2. The state is experiencing an increase in opioid addictions, many of which prove fatal.

3. Peer specialists provide effective support services because they share common life experiences with the persons they assist.

4. Peer specialists promote a sense of community among those in recovery.

5. Research has shown that peer support facilitates recovery and reduces health care costs.

6. Persons who are otherwise qualified to serve as peer specialists may have a criminal history that prevents them from meeting background screening requirements.

(b) The Legislature intends to expand the use of peer specialists as a cost-effective means of providing services. The Legislature also intends to ensure that peer specialists meet specified qualifications and modified background screening requirements and are adequately reimbursed for their services.

(2) QUALIFICATIONS.—A person may seek certification as a peer specialist if he or she has been in recovery from a substance use disorder or mental illness for the past 2 years or if he or she is a family member or caregiver of a person with a substance use disorder or mental illness.

(3) DUTIES OF THE DEPARTMENT.—

(a) The department shall designate managing entities to either conduct peer specialist training or contract with a provider for peer specialist training. The training must be approved by a third-party credentialing entity approved by the department pursuant to paragraph (b). The managing entities must give preference to trainers who are certified peer specialists.

(b) The department shall approve one or more third-party credentialing entities for the purposes of certifying peer specialists, approving training programs for individuals seeking certification as peer specialists, approving continuing education programs, and establishing the minimum requirements and standards that applicants must achieve to maintain certification. To obtain approval, the third-party credentialing entity must demonstrate compliance with nationally recognized standards for developing and administering professional certification programs to certify peer specialists.

(c) The department must ensure that background screening required for achieving certification is conducted as provided in subsection (4). Such background screening may not be conducted by third-party credentialing entities.

(d) The department shall require that a peer specialist providing recovery support services be certified; however, an individual who is not certified may provide recovery support services as a peer specialist for up to 1 year if he or she is working toward certification and is supervised by a qualified professional or by a certified peer specialist who has at least 2 years of full-time experience as a peer specialist at a licensed behavioral health organization.

(4) BACKGROUND SCREENING.—

(a) A peer specialist, or an individual who is working toward certification and providing recovery support services as provided in subsection (3), must have completed or have been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court for any felony and must undergo a background screening as a condition of initial and continued employment. The applicant must submit a full set of fingerprints to the department or to a vendor, an entity, or an agency that enters into an agreement with the Department of Law Enforcement as provided in s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The department shall screen the results to determine if a peer specialist meets certification requirements. The applicant is responsible for all fees charged in connection with state and federal fingerprint processing and retention. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein. Fingerprints submitted to the Department of Law Enforcement pursuant to this paragraph shall be retained as provided in s. 435.12 and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained fingerprint arrest notification program as provided in s. 943.05(4). Any arrest record identified must be reported to the department.

(b) The department or the Agency for Health Care Administration, as applicable, may contract with one or more vendors to perform all or part of the electronic fingerprinting pursuant to this section. Such contracts must ensure that the owners and personnel of the vendor performing the electronic fingerprinting are qualified and will ensure the integrity and security of all personal identifying information.

(c) Vendors who submit fingerprints on behalf of employers must:

1. Meet the requirements of s. 943.053; and

2. Have the ability to communicate electronically with the state agency accepting screening results from the Department of Law Enforcement and provide the applicant's full first name, middle initial, and last name; social security number or individual taxpayer identification number; date of birth; mailing address; sex; and race.

(d) The background screening conducted under this subsection must ensure that a peer specialist has not, during the previous 3 years, been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any felony.

(e) The background screening conducted under this subsection must ensure that a peer specialist has not been arrested for and is awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense was a felony of the first or second degree.

4. Section 415.111, relating to abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence as defined in s. 741.28.
6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.
7. Section 782.04, relating to murder.
8. Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or a disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
9. Section 782.071, relating to vehicular homicide.
10. Section 782.09, relating to killing an unborn child by injury to the mother.
11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.
12. Section 787.01, relating to kidnapping.
13. Section 787.02, relating to false imprisonment.
14. Section 787.025, relating to luring or enticing a child.
15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.
18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.
19. Section 794.011, relating to sexual battery.
20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.
21. Section 794.05, relating to unlawful sexual activity with certain minors.
22. Section 794.08, relating to female genital mutilation.
23. Section 796.07, relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s. 943.0583.
24. Section 798.02, relating to lewd and lascivious behavior.
25. Chapter 800, relating to lewdness and indecent exposure.
26. Section 806.01, relating to arson.
27. Section 810.02, relating to burglary, if the offense was a felony of the first degree.
28. Section 810.14, relating to voyeurism, if the offense was a felony.
29. Section 810.145, relating to digital voyeurism, if the offense was a felony.
30. Section 812.13, relating to robbery.
31. Section 812.131, relating to robbery by sudden snatching.
32. Section 812.133, relating to carjacking.
33. Section 812.135, relating to home-invasion robbery.
34. Section 817.034, relating to communications fraud, if the offense was a felony of the first degree.
35. Section 817.234, relating to false and fraudulent insurance claims, if the offense was a felony of the first or second degree.
36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.
37. Section 817.505, relating to patient brokering.
38. Section 817.568, relating to fraudulent use of personal identification, if the offense was a felony of the first or second degree.
39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.
40. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.
41. Section 825.103, relating to exploitation of an elderly person or a disabled adult, if the offense was a felony.
42. Section 826.04, relating to incest.
43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
44. Section 827.04, relating to contributing to the delinquency or dependency of a child.
45. Former s. 827.05, relating to negligent treatment of children.

46. Section 827.071, relating to sexual performance by a child.
47. Section 831.30, relating to fraud in obtaining medicinal drugs.
48. Section 831.31, relating to the sale; manufacture; delivery; or possession with intent to sell, manufacture, or deliver of any counterfeit controlled substance, if the offense was a felony.
49. Section 843.01, relating to resisting arrest with violence.
50. Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.
51. Section 843.12, relating to aiding in an escape.
52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.
53. Chapter 847, relating to obscenity.
54. Section 874.05, relating to encouraging or recruiting another to join a criminal gang.
55. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
56. Section 895.03, relating to racketeering and collection of unlawful debts.
57. Section 896.101, relating to the Florida Money Laundering Act.
58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
60. Section 944.40, relating to escape.
61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.
62. Section 944.47, relating to introduction of contraband into a correctional institution.
63. Section 985.701, relating to sexual misconduct in juvenile justice programs.
64. Section 985.711, relating to introduction of contraband into a detention facility.

(5) EXEMPTION REQUESTS.—A person who wishes to become a peer specialist and is disqualified under subsection (4) may request an exemption from disqualification pursuant to s. 435.07 from the department or the Agency for Health Care Administration, as applicable.

(6) GRANDFATHER CLAUSE.—A peer specialist certified as of July 1, 2022, is deemed to satisfy the requirements of this section; however, such peer specialists must comply with the minimum standards and requirements needed to maintain certification established pursuant to subsection (3).

History.—s. 6, ch. 2019-159; s. 3, ch. 2022-13; s. 3, ch. 2024-132.

397.427 Medication-assisted treatment service providers; rehabilitation program; needs assessment and provision of services; persons authorized to issue takeout medication; unlawful operation; penalty.—

(1) Providers of medication-assisted treatment services for opiate addiction may not be licensed unless they provide supportive rehabilitation programs. Supportive rehabilitation programs include, but are not limited to, counseling, therapy, and vocational rehabilitation.

(2) A service provider operating in violation of this section is subject to proceedings in accordance with this chapter to enjoin that unlawful operation.

(3) Notwithstanding s. 465.019(2), a physician assistant, a registered nurse, an advanced practice registered nurse, or a licensed practical nurse working for a licensed service provider may deliver takeout medication for opiate treatment to persons enrolled in a maintenance treatment program for medication-assisted treatment for opiate addiction if:

(a) The medication-assisted treatment program for opiate addiction has an appropriate valid permit issued pursuant to rules adopted by the Board of Pharmacy;

(b) The medication for treatment of opiate addiction has been delivered pursuant to a valid prescription written by the program's physician licensed pursuant to chapter 458 or chapter 459;

(c) The medication for treatment of opiate addiction which is ordered appears on a formulary and is prepackaged and prelabeled with dosage instructions and distributed from a source authorized under chapter 499;

(d) Each licensed provider adopts written protocols which provide for supervision of the physician assistant, registered nurse, advanced practice registered nurse, or licensed practical nurse by a physician licensed pursuant to chapter 458 or chapter 459 and for the procedures by which patients' medications may be delivered by the physician assistant, registered nurse, advanced practice registered nurse, or licensed practical nurse. Such protocols shall be signed by the supervising physician and either the administering registered nurse, the advanced practice registered nurse, or the licensed practical nurse.

(e) Each licensed service provider maintains and has available for inspection by representatives of the Board of Pharmacy all medical records and patient care protocols, including records of medications delivered to patients, in accordance with the board.

(4) Service providers within the publicly funded system shall be funded for provision of these services based on the availability of funds.

(5) Service providers that provide medication-assisted treatment for substance abuse other than opiate dependence shall provide counseling services in conjunction with medication-assisted treatment.

(6) A physician assistant, a registered nurse, an advanced practice registered nurse, or a licensed practical nurse working for a licensed service provider may deliver medication as prescribed by rule if:

(a) The service provider is authorized to provide medication-assisted treatment;

(b) The medication has been administered pursuant to a valid prescription written by the program's physician who is licensed under chapter 458 or chapter 459; and

(c) The medication ordered appears on a formulary or meets federal requirements for medication-assisted treatment.

(7) Each licensed service provider that provides medication-assisted treatment must adopt written protocols as specified by the department and in accordance with federally required rules, regulations, or procedures. The protocol shall provide for the supervision of the physician assistant, registered nurse, advanced practice registered nurse, or licensed practical nurse working under the supervision of a physician who is licensed under chapter 458 or chapter 459. The protocol must specify how the medication will be used in conjunction with counseling or psychosocial treatment and that the services provided will be included on the treatment plan. The protocol must specify the procedures by which medication-assisted treatment may be administered by the physician assistant, registered nurse, advanced practice registered nurse, or licensed practical nurse. These protocols shall be signed by the supervising physician and the administering physician assistant, registered nurse, advanced practice registered nurse, or licensed practical nurse.

(8) Each licensed service provider shall maintain and have available for inspection by representatives of the Board of Pharmacy all medical records and protocols, including records of medications delivered to individuals in accordance with rules of the board.

History.—s. 3, ch. 93-39; s. 7, ch. 98-152; s. 21, ch. 2009-132; s. 10, ch. 2015-4; s. 26, ch. 2018-106; s. 9, ch. 2025-143.

397.431 Individual responsibility for cost of substance abuse impairment services.—

(1) Before accepting an individual for admission and in accordance with confidentiality guidelines, both the full charge for services and the fee charged to the individual for such services under the provider's fee system or payment policy must be disclosed to each individual or his or her authorized personal representative, or parent or legal guardian if the individual is a minor who did not seek treatment voluntarily and without parental consent.

(2) An individual or his or her authorized personal representative, or parent or legal guardian if the individual is a minor, is required to contribute toward the cost of substance abuse services in accordance with his or her ability to pay, unless otherwise provided by law.

(3) The parent, legal guardian, or legal custodian of a minor is not liable for payment for any substance abuse services provided to the minor without parental consent pursuant to s. 397.601(4), unless the parent, legal guardian, or legal custodian participates or is ordered to participate in the services, and only for the substance abuse services rendered. If the minor is receiving services as a juvenile offender, the obligation to pay is governed by the law relating to juvenile offenders.

(4) Service providers that do not contract for state funds to provide substance abuse services as defined in this chapter may establish their own admission policies regarding provisions for payment for services. Such policies must comply with other statutory and regulatory requirements governing state or federal reimbursements to a provider for services delivered to individuals. As used in this subsection, the term "contract for state funds" does not include Medicaid funds.

(5) Service providers that contract for state funds to provide substance abuse services as defined in this chapter must establish a fee system based upon an individual's ability to pay and, if space and sufficient state resources are available, may not deny an individual access to services solely on the basis of the individual's inability to pay.

History.—s. 3, ch. 93-39; s. 735, ch. 95-148; s. 22, ch. 2009-132.

397.481 Applicability of Community Alcohol, Drug Abuse, and Mental Health Services Act.—All service providers as defined in and governed by this chapter are also subject to part IV of chapter 394, the Community Alcohol, Drug Abuse, and Mental Health Services Act.

History.—s. 3, ch. 93-39.

397.482 Lawyer assistance programs; civil immunity.—A person who in good faith reports information or takes action in connection with a lawyer assistance program or a person who receives information in connection with a lawyer assistance program is immune from civil liability for reporting the information, taking the action, or taking no action, provided that such person has acted in good faith and without malice.

History.—s. 1, ch. 2001-240.

397.483 Lawyer assistance programs; presumption of good faith.—A member of a lawyer assistance program or a person reporting information to a lawyer assistance program is presumed to have acted in good faith and without malice. A person alleging lack of good faith has the burden of proving bad faith and malice.

History.—s. 2, ch. 2001-240.

397.484 Lawyer assistance programs; persons entitled to immunity.—The civil immunity provided for in this act shall be liberally construed to accomplish the purposes of this act. The persons entitled to immunity under this act include:

(1) Florida Lawyers Assistance, Inc., and other lawyer assistance programs approved by the Florida Supreme Court or The Florida Bar which provide assistance to attorneys who may be impaired because of abuse of alcohol or other drugs or because of any other physical or mental infirmity causing impairment.

(2) A member, employee, or agent of the program, association, or nonprofit corporation.

(3) A person who reports or provides information to the program concerning an impaired legal professional, including, but not limited to, a person designated to monitor or supervise the course of treatment or rehabilitation of an impaired professional.

History.—s. 3, ch. 2001-240.

397.485 Lawyer assistance programs; information subject to privilege.—All privileged information, whether attorney-client, work product, or otherwise, in any form, furnished to the lawyer assistance program shall remain privileged.

History.—s. 4, ch. 2001-240.

397.486 Lawyer assistance programs; confidentiality of records, proceedings, and communications.—The records, proceedings, and all communications by and between an individual seeking assistance and the lawyer assistance program shall be deemed confidential and shall not be subject to disclosure or available for court subpoena. This section does not prevent the subpoena of business records that are otherwise available through subpoena, nor does this section preclude release or disclosure of information or communications by the lawyer assistance program when such disclosure is mandated or required as a condition or precondition for entry in the program. Such records are not to be construed as privileged merely because they have been maintained by a lawyer assistance program.

History.—s. 5, ch. 2001-240.

397.487 Voluntary certification of recovery residences.—

(1) The Legislature finds that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment. The Legislature further finds that this state and its subdivisions have a legitimate state interest in protecting these persons, who represent a vulnerable consumer population in need of adequate housing. It is the intent of the Legislature to protect persons who reside in a recovery residence.

(2) The department shall approve at least one credentialing entity by December 1, 2015, for the purpose of developing and administering a voluntary certification program for recovery residences. The approved credentialing entity shall:

(a) Establish recovery residence certification requirements.

(b) Establish procedures to:

1. Administer the application, certification, recertification, and disciplinary processes.

2. Monitor and inspect a recovery residence and its staff to ensure compliance with certification requirements.

3. Interview and evaluate residents, employees, and volunteer staff on their knowledge and application of certification requirements.

(c) Provide training for owners, managers, and staff.

(d) Develop a code of ethics.

(e) Establish application, inspection, and annual certification renewal fees. The application fee may not exceed $100. Any onsite inspection fee shall reflect actual costs for inspections. The annual certification renewal fee may not exceed $100.

(3) A credentialing entity shall require the recovery residence to submit the following documents with the completed application and fee:

(a) A policy and procedures manual containing:

1. Job descriptions for all staff positions.

2. Drug-testing procedures and requirements.

3. A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this subsection, “marijuana” includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

4. Policies to support a resident’s recovery efforts.

5. A good neighbor policy to address neighborhood concerns and complaints.

(b) Rules for residents.

(c) Copies of all forms provided to residents.

(d) Intake procedures.

(e) Sexual predator and sexual offender registry compliance policy.

(f) Relapse policy.

(g) Fee schedule.

(h) Refund policy.

(i) Eviction procedures and policy.

(j) Code of ethics.

(k) Proof of insurance.

(l) Proof of background screening.

(m) Proof of satisfactory fire, safety, and health inspections.

(4) A certified recovery residence must be actively managed by a certified recovery residence administrator. All applications for certification must include the name of the certified recovery residence administrator who will be actively managing the applicant recovery residence.

(5) Upon receiving a complete application, a credentialing entity shall conduct an onsite inspection of the recovery residence.

(6) All owners, directors, and chief financial officers of an applicant recovery residence are subject to level 2 background screening as provided under s. 408.809 and chapter 435. A recovery residence is ineligible for certification, and a credentialing entity shall deny a recovery residence’s application, if any owner, director, or chief financial officer has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 408.809(4) or s. 435.04(2) unless the department has issued an exemption under s. 435.07. Exemptions from disqualification applicable to service provider personnel pursuant to s. 397.4073 or s. 435.07 shall apply to this subsection. In accordance with s. 435.04, the department shall notify the credentialing agency of an owner’s, director’s, or chief financial officer’s eligibility based on the results of his or her background screening.

(7) A credentialing entity shall issue a certificate of compliance upon approval of the recovery residence’s application and inspection. The certification shall automatically terminate 1 year after issuance if not renewed.

(8) Onsite followup monitoring of a certified recovery residence may be conducted by the credentialing entity to determine continuing compliance with certification requirements. The credentialing entity shall inspect each certified recovery residence at least annually to ensure compliance.

(a) A credentialing entity may suspend or revoke a certification if the recovery residence is not in compliance with any provision of this section or has failed to remedy any deficiency identified by the credentialing entity within the time period specified.

(b) A certified recovery residence must notify the credentialing entity within 3 business days after the removal of the recovery residence’s certified recovery residence administrator due to termination, resignation, or any other reason. The certified recovery residence has 90 days to retain a certified recovery residence administrator. The credentialing entity must revoke the certificate of compliance of any certified recovery residence that fails to comply with this paragraph.

(c) If a certified recovery residence’s administrator has been removed due to termination, resignation, or any other reason and had been previously approved to actively manage more than 50 residents pursuant to s. 397.4871(8)(b), the certified recovery residence has 90 days to retain another certified recovery residence administrator pursuant to s. 397.4871. The credentialing entity must revoke the certificate of compliance of any certified recovery residence that fails to comply with this paragraph.

(d) If any owner, director, or chief financial officer of a certified recovery residence is arrested and awaiting disposition for or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, any offense

listed in s. 435.04(2) while acting in that capacity, the certified recovery residence must immediately remove the person from that position and notify the credentialing entity within 3 business days after such removal. The credentialing entity must revoke the certificate of compliance of a certified recovery residence that fails to meet these requirements.

(e) A credentialing entity shall revoke a certified recovery residence's certificate of compliance if the certified recovery residence provides false or misleading information to the credentialing entity at any time.

(f) Any decision by a department-recognized credentialing entity to deny, revoke, or suspend a certification, or otherwise impose sanctions on a certified recovery residence, is reviewable by the department. Upon receiving an adverse determination, the certified recovery residence may request an administrative hearing pursuant to ss. 120.569 and 120.57(1) within 30 days after completing any appeals process offered by the credentialing entity or the department, as applicable.

(9) A person may not advertise to the public, in any way or by any medium whatsoever, any recovery residence as a "certified recovery residence" unless such recovery residence has first secured a certificate of compliance under this section. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10)(a) A certified recovery residence may allow a minor child to visit a parent who is a resident of the recovery residence, provided that a minor child may not visit or remain in the recovery residence between the hours of 9 p.m. and 7 a.m. unless:

1. A court makes a specific finding that such visitation is in the best interest of the minor child; or

2. The recovery residence is a specialized residence for pregnant women or parents whose children reside with them. Such recovery residences may allow children to visit or reside in the residence if the parent does not yet have a time-sharing plan pursuant to s. 61.13, provided that the parent files with the court for establishment of a plan within 14 days of moving into the residence.

(b) A certified recovery residence may not allow a minor child to visit a parent who is a resident of the recovery residence at any time if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

(11) Notwithstanding any landlord and tenant rights and obligations under chapter 83, a recovery residence that is certified under this section and has a discharge policy approved by a department-recognized credentialing entity may immediately discharge or transfer a resident in accordance with that policy under any of the following circumstances:

(a) The discharge or transfer is necessary for the resident's welfare.

(b) The resident's needs cannot be met at the recovery residence.

(c) The health and safety of other residents or recovery residence employees is at risk or would be at risk if the resident continues to live at the recovery residence.

(12) Any person discharged from a recovery residence under subsection (11) who willfully refuses to depart after being warned by the owner or an authorized employee of the recovery residence commits the offense of trespass in a recovery residence, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) Beginning January 1, 2025, a certified recovery residence may not deny an individual access to housing solely on the basis that he or she has been prescribed federally approved medication that assists with treatment for substance use disorders by a licensed physician, a physician's assistant, or an advanced practice registered nurse registered under s. 464.0123.

(14) A local ordinance or regulation may not further regulate the duration or frequency of a resident's stay in a certified recovery residence located within a multifamily zoning district after June 30, 2024. This provision shall expire July 1, 2026.

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number; and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required under this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

History.—s. 2, ch. 2015-100; s. 2, ch. 2017-80; s. 7, ch. 2019-159; s. 2, ch. 2020-38; s. 3, ch. 2021-128; s. 10, ch. 2021-156; s. 4, ch. 2023-298; s. 15, ch. 2024-71; s. 3, ch. 2024-176; s. 27, ch. 2025-156; s. 1, ch. 2025-182.

397.4871 Recovery residence administrator certification.—

(1) It is the intent of the Legislature that a recovery residence administrator voluntarily earn and maintain certification from a credentialing entity approved by the Department of Children and Families. The Legislature further intends that certification ensure that an administrator has the competencies necessary to appropriately respond to the needs of residents, to maintain residence standards, and to meet residence certification requirements.

(2) The department shall approve at least one credentialing entity by December 1, 2015, for the purpose of developing and administering a voluntary credentialing program for administrators. The department shall approve any credentialing entity that the department endorses pursuant to s. 397.321(15) if the credentialing entity also meets the requirements of this section. The approved credentialing entity shall:

(a) Establish recovery residence administrator core competencies, certification requirements, testing instruments, and recertification requirements.

(b) Establish a process to administer the certification application, award, and maintenance processes.

(c) Develop and administer:

1. A code of ethics and disciplinary process.

2. Biennial continuing education requirements and annual certification renewal requirements.

3. An education provider program to approve training entities that are qualified to provide precertification training to applicants and continuing education opportunities to certified persons.

(3) A credentialing entity shall establish a certification program that:

(a) Is directly related to the core competencies.

(b) Establishes minimum requirements in each of the following categories:

1. Training.

2. On-the-job work experience.

3. Supervision.

4. Testing.

5. Biennial continuing education.

(c) Requires adherence to a code of ethics and provides for a disciplinary process that applies to certified persons.

(d) Approves qualified training entities that provide precertification training to applicants and continuing education to certified recovery residence administrators. To avoid a conflict of interest, a credentialing entity or its affiliate may not deliver training to an applicant or continuing education to a certificateholder.

(4) A credentialing entity shall establish application, examination, and certification fees and an annual certification renewal fee. The application, examination, and certification fee may not exceed $225. The annual certification renewal fee may not exceed $100.

(5) All applicants are subject to level 2 background screening as provided under chapter 435. An applicant is ineligible, and a credentialing entity shall deny the application, if the applicant has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 408.809 or s. 435.04(2) unless the department has issued an exemption under s. 435.07. Exemptions from disqualification applicable to service provider personnel pursuant to s. 397.4073 or s. 435.07 shall apply to this subsection. In accordance with s. 435.04, the department shall notify the credentialing agency of the applicant's eligibility based on the results of his or her background screening.

(6) The credentialing entity shall issue a certificate of compliance upon approval of a person's application. The certification shall automatically terminate 1 year after issuance if not renewed.

(a) A credentialing entity may suspend or revoke the recovery residence administrator's certificate of compliance if the recovery residence administrator fails to adhere to the continuing education requirements.

(b) If a certified recovery residence administrator of a recovery residence is arrested and awaiting disposition for or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, any offense listed in s. 435.04(2) while acting in that capacity, the certified recovery residence must immediately remove the person from that position and notify the credentialing entity within 3 business days after such removal. The certified recovery residence shall retain a certified recovery residence administrator within 90 days after such removal. The credentialing entity must revoke the certificate of compliance of any recovery residence that fails to meet these requirements.

(c) A credentialing entity must revoke a certified recovery residence administrator's certificate of compliance if the recovery residence administrator provides false or misleading information to the credentialing entity at any time.

(7) A person may not advertise himself or herself to the public, in any way or by any medium whatsoever, as a "certified recovery residence administrator" unless he or she has first secured a certificate of compliance under this section. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8)(a) A certified recovery residence administrator must demonstrate the ability to effectively and appropriately respond to the needs of residents, to maintain residence standards, and to meet the certification requirements of this section.

(b) A certified recovery residence administrator may not actively manage more than 50 residents at any given time unless written justification is provided to, and approved by, the credentialing entity as to how the administrator is able to effectively and appropriately respond to the needs of the residents, to maintain residence standards, and to meet the residence certification requirements of this section. However, a certified recovery residence administrator may not actively manage more than 100 residents at any given time.

(c) Notwithstanding paragraph (b), a Level IV certified recovery residence operating as community housing as defined in s. 397.311(9), which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been removed by a certified recovery residence due to termination, resignation, or any other reason may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

History.—s. 3, ch. 2015-100; s. 73, ch. 2016-241; s. 3, ch. 2020-38; s. 4, ch. 2021-128; s. 4, ch. 2022-31; s. 4, ch. 2024-176; s. 2, ch. 2025-182.

397.4872 Exemption from disqualification; publication.—

(1) Individual exemptions to staff disqualification or administrator ineligibility may be requested if a recovery residence deems the decision will benefit the program. Requests for exemptions must be submitted in writing to the department within 20 days after the denial by the credentialing entity and must include justification for the exemption.

(2) The credentialing entity must notify the department within 3 business days after a new recovery residence or recovery residence administrator is certified or a recovery residence or recovery residence administrator's certificate expires or is terminated. The department shall publish on its website a list of all recovery residences that hold a valid certificate of compliance. The department shall also publish on its website a list of all recovery residence administrators who hold a valid certificate of compliance. A recovery residence or recovery residence administrator shall be excluded from the list upon written request to the department by the listed individual or entity.

History.—s. 4, ch. 2015-100; s. 42, ch. 2016-24; s. 25, ch. 2016-104; s. 4, ch. 2020-38.

397.4873 Referrals to or from recovery residences; prohibitions; penalties.—

(1) A service provider licensed under this part may not make a referral of a prospective, current, or discharged patient to, or accept a referral of such a patient from, a recovery residence unless the recovery residence holds a valid certificate of compliance as provided in s. 397.487 and is actively managed by a certified recovery residence administrator as provided in s. 397.4871.

(2) Subsection (1) does not apply to:

(a) A licensed service provider under contract with a managing entity as defined in s. 394.9082.

(b) Referrals by a recovery residence to a licensed service provider when the recovery residence or its owners, directors, operators, or employees do not benefit, directly or indirectly, from the referral.

(c) Referrals made before July 1, 2018, by a licensed service provider to that licensed service provider's wholly owned subsidiary.

(d) The referral of a patient to, or acceptance of a referral of such a patient from, a recovery residence that has no direct or indirect financial or other referral relationship with the licensed service provider and that is democratically operated by its residents pursuant to a charter from an entity recognized or sanctioned by Congress, and where the residence or any resident of the residence does not receive a benefit, directly or indirectly, for the referral.

(3) Notwithstanding subsection (2), a service provider licensed under this part may not make a referral of a prospective, current, or discharged patient to, or accept a referral of such patient from, a recovery residence that allows on its premises the use of alcohol, marijuana, or illegal drugs or the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this subsection, "marijuana" includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

(4)(a) For purposes of this section, a licensed service provider or recovery residence shall be considered to have made a referral if the provider or recovery residence has informed a patient by any means about the name, address, or other details of a recovery residence or licensed service provider, or informed a licensed service provider or a recovery residence of any identifying details about a patient.

(b) A referral shall also include the placement of a patient by a licensed service provider into the housing component of the provider's day or night treatment, which has a community housing license, regardless of whether the community housing component is affiliated with the licensed service provider.

(5) In addition to any other punishment provided by law, any person who willfully and knowingly violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) A licensed service provider shall maintain records of referrals to or from recovery residences as may be prescribed by the department in rule.

(7) A licensed service provider that violates this section is subject to an administrative fine of $1,000 per occurrence. If such fine is imposed by final order of the department and is not subject to further appeal, the service provider shall pay the fine plus interest at the rate specified in s. 55.03 for each day beyond the date set by the department for payment of the fine. If the service provider does not pay the fine plus any applicable interest within 60 days after the date set by the department, the department shall immediately suspend the service provider's license. Repeat violations of this section may subject a provider to license suspension or revocation pursuant to s. 397.415. The department shall establish a mechanism no later than January 1, 2024, for the imposition and collection of fines for violations under this section.

(8) Nothing in this section requires a licensed service provider to refer a patient to or to accept a referral of a patient from a recovery residence.

History.—s. 15, ch. 2017-173; s. 8, ch. 2019-159; s. 5, ch. 2020-38; s. 5, ch. 2021-128; s. 5, ch. 2023-298.

PART III
CLIENT RIGHTS

397.501 Rights of individuals.

397.55 Prohibition of deceptive marketing practices.
397.581 Unlawful activities relating to assessment and treatment; penalties.

397.501 Rights of individuals.—Individuals receiving substance abuse services from any service provider are guaranteed protection of the rights specified in this section, unless otherwise expressly provided, and service providers must ensure the protection of such rights.

(1) RIGHT TO INDIVIDUAL DIGNITY.—The dignity of the individual served must be respected at all times and upon all occasions, including any occasion when the individual is admitted, retained, or transported. Individuals served who are not accused of a crime or delinquent act may not be detained or incarcerated in jails, detention centers, or training schools of the state, except for purposes of protective custody in strict accordance with this chapter. An individual may not be deprived of any constitutional right.

(2) RIGHT TO NONDISCRIMINATORY SERVICES.—

(a) Service providers may not deny an individual access to substance abuse services solely on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior service departures against medical advice, disability, or number of relapse episodes. Service providers may not deny an individual who takes medication prescribed by a physician or an advanced practice registered nurse registered under s. 464.0123 access to substance abuse services solely on that basis. Service providers who receive state funds to provide substance abuse services may not, if space and sufficient state resources are available, deny access to services based solely on inability to pay.

(b) Each individual in treatment must be afforded the opportunity to participate in the formulation and periodic review of his or her individualized treatment or service plan to the extent of his or her ability to so participate.

(c) It is the policy of the state to use the least restrictive and most appropriate services available, based on the needs and the best interests of the individual and consistent with optimum care of the individual.

(d) Each individual must be afforded the opportunity to participate in activities designed to enhance self-image.

(3) RIGHT TO QUALITY SERVICES.—

(a) Each individual must be delivered services suited to his or her needs, administered skillfully, safely, humanely, with full respect for his or her dignity and personal integrity, and in accordance with all statutory and regulatory requirements.

(b) These services must include the use of methods and techniques to control aggressive behavior that poses an immediate threat to the individual or to other persons. Such methods and techniques include the use of restraints, the use of seclusion, the use of time-out, and other behavior management techniques. When authorized, these methods and techniques may be applied only by persons who are employed by service providers and trained in the application and use of these methods and techniques. The department must specify by rule the methods that may be used and the techniques that may be applied by service providers to control aggressive behavior and must specify by rule the physical facility requirements for seclusion rooms, including dimensions, safety features, methods of observation, and contents.

(4) RIGHT TO COMMUNICATION.—

(a) Each individual has the right to communicate freely and privately with other persons within the limitations imposed by service provider policy.

(b) Because the delivery of services can only be effective in a substance abuse free environment, close supervision of each individual's communications and correspondence is necessary, particularly in the initial stages of treatment, and the service provider must therefore set reasonable rules for telephone, mail, and visitation rights, giving primary consideration to the well-being and safety of individuals, staff, and the community. It is the duty of the service provider to inform the individual and his or her family if the family is involved at the time of admission about the provider's rules relating to communications and correspondence.

(5) RIGHT TO CARE AND CUSTODY OF PERSONAL EFFECTS.—An individual has the right to possess clothing and other personal effects. The service provider may take temporary custody of the individual's personal effects only when required for medical or safety reasons, with the reason for taking custody and a list of the personal effects recorded in the individual's clinical record. A service provider shall return an individual's personal effects upon the individual's discharge, even if the discharge is against medical advice.

(6) RIGHT TO EDUCATION OF MINORS.—Each minor in a residential service component is guaranteed education and training appropriate to his or her needs. The service provider shall coordinate with local education agencies to ensure that education and training is provided to each minor in accordance with other applicable laws and regulations and that parental responsibilities related to such education and training are established within the provisions of such applicable laws and regulations. This chapter does not relieve any local education authority of its obligation under law to provide a free and appropriate education to every child.

(7) RIGHT TO CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

(a) The records of service providers which pertain to the identity, diagnosis, and prognosis of and service provision to any individual are confidential in accordance with this chapter and with applicable federal confidentiality regulations and are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such records may not be disclosed without the written consent of the individual to whom they pertain except that appropriate disclosure may be made without such consent:

1. To medical personnel in a medical emergency.

2. To service provider personnel if such personnel need to know the information in order to carry out duties relating to the provision of services to an individual.

3. To the secretary of the department or the secretary's designee, for purposes of scientific research, in accordance with federal confidentiality regulations, but only upon agreement in writing that the individual's name and other identifying information will not be disclosed.

4. In the course of review of service provider records by persons who are performing an audit or evaluation on behalf of any federal, state, or local government agency, or third-party payor providing financial assistance or reimbursement to the service provider; however, reports produced as a result of such audit or evaluation may not disclose names or other identifying information and must be in accordance with federal confidentiality regulations.

5. Upon court order based on application showing good cause for disclosure. In determining whether there is good cause for disclosure, the court shall examine whether the public interest and the need for disclosure outweigh the potential injury to the individual, to the service provider and the individual, and to the service provider itself.

(b) The restrictions on disclosure and use in this section do not apply to communications from provider personnel to law enforcement officers which:

1. Are directly related to an individual's commission of a crime on the premises of the provider or against provider personnel or to a threat to commit such a crime; and

2. Are limited to the circumstances of the incident, including the status of the individual committing or threatening to commit the crime, that individual's name and address, and that individual's last known whereabouts.

(c) The restrictions on disclosure and use in this section do not apply to the reporting of incidents of suspected child abuse and neglect to the appropriate state or local authorities as required by law. However, such restrictions continue to apply to the original substance abuse records maintained by the provider, including their disclosure and use for civil or criminal proceedings which may arise out of the report of suspected child abuse and neglect.

(d) Any answer to a request for a disclosure of individual records which is not permissible under this section or under the appropriate federal regulations must be made in a way that will not affirmatively reveal that an identified individual has been, or is being diagnosed or treated for substance abuse. The regulations do not restrict a disclosure that an identified individual is not and has never received services.

(e)1. Since a minor acting alone has the legal capacity to voluntarily apply for and obtain substance abuse treatment, any written consent for disclosure may be given only by the minor. This restriction includes, but is not limited to, any disclosure of identifying information to the parent, legal guardian, or custodian of a minor for the purpose of obtaining financial reimbursement.

2. When the consent of a parent, legal guardian, or custodian is required under this chapter in order for a minor to obtain substance abuse treatment, any written consent for disclosure must be given by both the minor and the parent, legal guardian, or custodian.

(f) An order of a court of competent jurisdiction authorizing disclosure and use of confidential information is a unique kind of court order. Its only purpose is to authorize a disclosure or use of identifying information which would otherwise be prohibited by this section. Such an order does not compel disclosure. A subpoena or a similar legal mandate must be issued in order to compel disclosure. This mandate may be entered at the same time as, and accompany, an authorizing court order entered under this section.

(g) An order authorizing the disclosure of an individual's records may be applied for by any person having a legally recognized interest in the disclosure which is sought. The application may be filed alone or as part of a pending civil action or an active criminal investigation in which it appears that the individual's records are needed to provide evidence. An application must use a fictitious name, such as John Doe or Jane Doe, to refer to any individual and may not contain or otherwise disclose any identifying information unless the individual is the applicant or has given a written consent to disclosure or the court has ordered the record of the proceeding sealed from public scrutiny.

(h)1. For applications filed alone or as part of a pending civil action, the individual and the person holding the records from whom disclosure is sought must be given adequate notice in a manner which will not disclose identifying information to other

persons, and an opportunity to file a written response to the application, or to appear in person, for the limited purpose of providing evidence on the statutory and regulatory criteria for the issuance of the court order.

2. Applications filed as part of an active criminal investigation may, in the discretion of the court, be granted without notice. Although no express notice is required to the agents, owners, and employees of the treatment provider or to any individual whose records are to be disclosed, upon implementation of an order so granted, any of these persons must be afforded an opportunity to seek revocation or amendment of the order, limited to the presentation of evidence on the statutory and regulatory criteria for the issuance of the order.

(i) Any oral argument, review of evidence, or hearing on the application must be held in the judge's chambers or in some manner which ensures that identifying information is not disclosed to anyone other than a party to the proceeding, the individual, or the person holding the record, unless the individual requests an open hearing. The proceeding may include an examination by the judge of the records referred to in the application.

(j) A court may authorize the disclosure and use of records for the purpose of conducting a criminal investigation or prosecution of an individual only if the court finds that all of the following criteria are met:

1. The crime involved is extremely serious, such as one which causes or directly threatens loss of life or serious bodily injury, including but not limited to homicide, sexual assault, sexual battery, kidnapping, armed robbery, assault with a deadly weapon, and child abuse and neglect.

2. There is reasonable likelihood that the records will disclose information of substantial value in the investigation or prosecution.

3. Other ways of obtaining the information are not available or would not be effective.

4. The potential injury to the individual, to the physician-individual relationship, and to the ability of the program to provide services to other individuals is outweighed by the public interest and the need for the disclosure.

(8) RIGHT TO COUNSEL.—Each individual must be informed that he or she has the right to be represented by counsel in any judicial proceeding for involuntary treatment services and that he or she, or if the individual is a minor his or her parent, legal guardian, or legal custodian, may apply immediately to the court to have an attorney appointed if he or she cannot afford one.

(9) RIGHT TO HABEAS CORPUS.—At any time, and without notice, an individual involuntarily retained by a provider, or the individual's parent, guardian, custodian, or attorney on behalf of the individual, may petition for a writ of habeas corpus to question the cause and legality of such retention and request that the court issue a writ for the individual's release.

(10) LIABILITY AND IMMUNITY.—

(a) Service provider personnel who violate or abuse any right or privilege of an individual under this chapter are liable for damages as determined by law.

(b) All persons acting in good faith, reasonably, and without negligence in connection with the preparation or execution of petitions, applications, certificates, or other documents or the apprehension, detention, discharge, examination, transportation, or treatment of a person under the provisions of this chapter shall be free from all liability, civil or criminal, by reason of such acts.

History.—s. 4, ch. 93-39; s. 736, ch. 95-148; s. 3, ch. 95-407; s. 223, ch. 96-406; s. 2, ch. 98-107; s. 25, ch. 2009-132; s. 16, ch. 2017-173; s. 19, ch. 2020-9; s. 5, ch. 2022-31; s. 24, ch. 2024-245.

397.55 Prohibition of deceptive marketing practices.—

(1) The Legislature recognizes that consumers of substance abuse treatment have disabling conditions and that such consumers and their families are vulnerable and at risk of being easily victimized by fraudulent marketing practices that adversely impact the delivery of health care. To protect the health, safety, and welfare of this vulnerable population, a service provider, an operator of a recovery residence, or a third party who provides any form of advertising or marketing services to a service provider or an operator of a recovery residence may not engage in any of the following marketing practices:

(a) Making a false or misleading statement or providing false or misleading information about the provider's or operator's or third party's products, goods, services, or geographical locations in its marketing, advertising materials, or media or on its website.

(b) Including on its website false information or electronic links, coding, or activation that provides false information or that surreptitiously directs the reader to another website.

(c) Conduct prohibited by s. 817.505.

(d) Entering into a contract with a marketing provider who agrees to generate referrals or leads for the placement of patients with a service provider or in a recovery residence through a call center or a web-based presence, unless the contract requires such agreement and the marketing provider discloses the following to the prospective patient so that the patient can make an informed health care decision:

1. Information about the specific licensed service providers or recovery residences that are represented by the marketing provider and pay a fee to the marketing provider, including the identity of such service providers or recovery residences; and

2. Clear and concise instructions that allow the prospective patient to easily access lists of licensed service providers and recovery residences on the department website.

(2) In addition to any other punishment authorized by law, a person or entity that knowingly and willfully violates paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A violation of paragraph (1)(c) is a violation of the prohibition on patient brokering and may subject the party committing the violation to criminal penalties under s. 817.505.

History.—s. 17, ch. 2017-173; s. 9, ch. 2019-159.

397.581 Unlawful activities relating to assessment and treatment; penalties.—

(1) A person may not knowingly and willfully:

(a) Furnish false information for the purpose of obtaining emergency or other involuntary admission of another person.

(b) Cause or otherwise secure, or conspire with or assist another to cause or secure, any emergency or other involuntary procedure of another person under false pretenses.

(c) Cause, or conspire with or assist another to cause, without lawful justification, the denial to any person of any right accorded pursuant to this chapter.

(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 and by a fine not exceeding $5,000.

History.—s. 4, ch. 93-39; s. 26, ch. 2009-132; s. 25, ch. 2024-245.

PART IV
VOLUNTARY ADMISSIONS PROCEDURES

397.601 Voluntary admissions.

397.601 Voluntary admissions.—

(1) A person who wishes to enter treatment for substance abuse may apply to a service provider for voluntary admission.

(2) Within the financial and space capabilities of the service provider, a person must be admitted to treatment when sufficient evidence exists that the person is impaired by substance abuse and the medical and behavioral conditions of the person are not beyond the safe management capabilities of the service provider.

(3) The service provider must emphasize admission to the service component that represents the least restrictive setting that is appropriate to the person's treatment needs.

(4)(a) The disability of minority for persons under 18 years of age is removed solely for the purpose of obtaining voluntary substance abuse impairment services from a licensed service provider, and consent to such services by a minor has the same force and effect as if executed by an individual who has reached the age of majority. Such consent is not subject to later disaffirmance based on minority.

(b) Except for purposes of law enforcement activities in connection with protective custody, the disability of minority is not removed if there is an involuntary admission for substance abuse services, in which case parental participation may be required as the court finds appropriate.

(5) A service provider must document that, within 24 hours of admission, individuals admitted on a voluntary basis have been provided with the option to authorize the release of information from their clinical record to the individual's health care surrogate or proxy, attorney, representative, or other known emergency contact.

History.—s. 5, ch. 93-39; s. 27, ch. 2009-132; s. 9, ch. 2022-36.

PART V
INVOLUNTARY ADMISSIONS PROCEDURES

A. General Provisions

B. Noncourt Involved Admissions: Protective Custody

C. Noncourt Involved Admissions; Emergency

D. Noncourt Involved Admissions; Alternative Involuntary Assessment for Minors

E. Court Involved Admissions, Civil Involuntary Proceedings; Generally

F. Court Involved Admissions: Involuntary Treatment

A. General Provisions

397.675 Criteria for involuntary admissions, including protective custody, emergency admission, and other involuntary assessment, involuntary treatment, and alternative involuntary assessment for minors, for purposes of assessment and stabilization, and for involuntary treatment.
397.6751 Service provider responsibilities regarding involuntary admissions.
397.6752 Referral of involuntarily admitted individual for voluntary treatment.
397.6758 Release of individual from protective custody, emergency admission, involuntary assessment, involuntary treatment, and alternative involuntary assessment of a minor.
397.6759 Parental participation in treatment.
397.6760 Court records; confidentiality.

397.675 Criteria for involuntary admissions, including protective custody, emergency admission, and other involuntary assessment, involuntary treatment, and alternative involuntary assessment for minors, for purposes of assessment and stabilization, and for involuntary treatment.—A person meets the criteria for involuntary admission if there is good faith reason to believe that the person is substance abuse impaired or has a substance use disorder and a co-occurring mental health disorder and, because of such impairment or disorder:

(1) Has lost the power of self-control with respect to substance abuse; and

(2)(a) Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that he or she is incapable of appreciating his or her need for such services and of making a rational decision in that regard, although mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services; or

(b) Without care or treatment, is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing, able, and responsible family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict, physical harm on himself, herself, or another.

History.—s. 6, ch. 93-39; s. 737, ch. 95-148; s. 23, ch. 2016-241; s. 26, ch. 2024-245.

397.6751 Service provider responsibilities regarding involuntary admissions.—

(1) It is the responsibility of the service provider to:

(a) Ensure that a person who is admitted to a licensed service component meets the admission criteria specified in s. 397.675;

(b) Ascertain whether the medical and behavioral conditions of the person, as presented, are beyond the safe management capabilities of the service provider;

(c) Provide for the admission of the person to the service component that represents the most appropriate and least restrictive available setting that is responsive to the person's treatment needs;

(d) Verify that the admission of the person to the service component does not result in a census in excess of its licensed service capacity;

(e) Determine whether the cost of services is within the financial means of the person or those who are financially responsible for the person's care; and

(f) Take all necessary measures to ensure that each individual in treatment is provided with a safe environment, and to ensure that each individual whose medical condition or behavioral problem becomes such that he or she cannot be safely managed by the service component is discharged and referred to a more appropriate setting for care.

(2)(a) When, in the judgment of the service provider, the person who is being presented for involuntary admission should not be admitted because of his or her failure to meet admission criteria, because his or her medical or behavioral conditions are beyond the safe management capabilities of the service provider, or because of a lack of available space, services, or financial resources to pay for his or her care, the service provider, in accordance with federal confidentiality regulations, must attempt to contact the referral source, which may be a law enforcement officer, physician, parent, legal guardian if applicable, court and petitioner, or other referring party, to discuss the circumstances and assist in arranging for alternative interventions.

(b) When the service provider is unable to reach the referral source, the service provider must refuse admission and attempt to assist the person in gaining access to other appropriate services, if indicated.

(c) Upon completing these efforts, the service provider must, within one workday, report in writing to the referral sources, in compliance with federal confidentiality regulations:

1. The basis for the refusal to admit the person, and

2. Documentation of the service provider's efforts to contact the referral source and assist the person, when indicated, in gaining access to more appropriate services.

(3) When, in the judgment of the service provider, the medical conditions or behavioral problems of an involuntary individual become such that they cannot be safely managed by the service component, the service provider must discharge the individual and attempt to assist him or her in securing more appropriate services in a setting more responsive to his or her needs. Upon completing these efforts, the service provider must, within 72 hours, report in writing to the referral source, in compliance with federal confidentiality regulations:

(a) The basis for the individual's discharge; and

(b) Documentation of the service provider's efforts to assist the person in gaining access to appropriate services.

History.—s. 6, ch. 93-39; s. 738, ch. 95-148; s. 28, ch. 2009-132; s. 27, ch. 2024-245.

397.6752 Referral of involuntarily admitted individual for voluntary treatment.—Upon giving his or her written informed consent, an involuntarily admitted individual may be referred to a service provider for voluntary admission when the service provider determines that the individual no longer meets involuntary criteria.

History.—s. 6, ch. 93-39; s. 739, ch. 95-148; s. 29, ch. 2009-132.

397.6758 Release of individual from protective custody, emergency admission, involuntary assessment, involuntary treatment, and alternative involuntary assessment of a minor.—An individual involuntarily admitted to a licensed service provider may be released without further order of the court only by a qualified professional in a hospital, a detoxification facility, an addictions receiving facility, or any less restrictive treatment component. Notice of the release must be provided to the applicant in the case of an emergency admission or an alternative involuntary assessment for a minor, or to the petitioner and the court if the involuntary assessment or treatment was court ordered. In the case of a minor, the release must be:

(1) To the individual's parent, legal guardian, or legal custodian or the authorized designee thereof;

(2) To the Department of Children and Families pursuant to s. 39.401; or

(3) To the Department of Juvenile Justice pursuant to s. 984.13.

History.—s. 6, ch. 93-39; s. 35, ch. 98-280; s. 30, ch. 2009-132; s. 115, ch. 2014-19.

397.6759 Parental participation in treatment.—A parent, legal guardian, or legal custodian who seeks involuntary admission of a minor pursuant to ss. 397.675-397.6977 is required to participate in all aspects of treatment as determined appropriate by the director of the licensed service provider.

History.—s. 6, ch. 93-39.

397.6760 Court records; confidentiality.—

(1) All petitions for involuntary assessment and stabilization, court orders, and related records that are filed with or by a court under this part are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Pleadings and other documents made confidential and exempt by this section may be disclosed by the clerk of the court, upon request, to any of the following:

(a) The petitioner.

(b) The petitioner's attorney.

(c) The respondent.

(d) The respondent's attorney.

(e) The respondent's guardian or guardian advocate, if applicable.

(f) In the case of a minor respondent, the respondent's parent, guardian, legal custodian, or guardian advocate.

(g) The respondent's treating health care practitioner.

(h) The respondent's health care surrogate or proxy.

(i) The Department of Children and Families, without charge.

(j) The Department of Corrections, without charge, if the respondent is committed or is to be returned to the custody of the Department of Corrections from the Department of Children and Families.

(k) A person or entity authorized to view records upon a court order for good cause. In determining if there is good cause for the disclosure of records, the court must weigh the person or entity's need for the information against potential harm to the respondent from the disclosure.

(2) This section does not preclude the clerk of the court from submitting the information required by s. 790.065 to the Department of Law Enforcement.

(3) The clerk of the court may not publish personal identifying information on a court docket or in a publicly accessible file.

(4) A person or entity receiving information pursuant to this section shall maintain that information as confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(5) The exemption under this section applies to all documents filed with a court before, on, or after July 1, 2017.

History.—s. 1, ch. 2017-25; s. 32, ch. 2018-3; s. 62, ch. 2019-3; s. 1, ch. 2022-44.

B. Noncourt Involved Admissions: Protective Custody

397.677 Protective custody; circumstances justifying.
397.6771 Protective custody with consent.
397.6772 Protective custody without consent.
397.6773 Dispositional alternatives after protective custody.
397.6774 Department to maintain lists of licensed facilities.
397.6775 Immunity from liability.

397.677 Protective custody; circumstances justifying.—A law enforcement officer may implement protective custody measures as specified in this part when a minor or an adult who appears to meet the involuntary admission criteria in s. 397.675 is:

(1) Brought to the attention of law enforcement; or

(2) In a public place.

History.—s. 6, ch. 93-39.

397.6771 Protective custody with consent.—A person in circumstances which justify protective custody, as described in s. 397.677, may consent to be assisted by a law enforcement officer to his or her home, to a hospital, or to a licensed detoxification or addictions receiving facility, whichever the officer determines is most appropriate.

History.—s. 6, ch. 93-39; s. 740, ch. 95-148.

397.6772 Protective custody without consent.—

(1) If a person in circumstances which justify protective custody as described in s. 397.677 fails or refuses to consent to assistance and a law enforcement officer has determined that a hospital or a licensed detoxification or addictions receiving facility is the most appropriate place for the person, the officer may, after giving due consideration to the expressed wishes of the person:

(a) Take the person to a hospital or to a licensed detoxification or addictions receiving facility against the person's will but without using unreasonable force. The officer shall use the standard form developed by the department pursuant to s. 397.321 to execute a written report detailing the circumstances under which the person was taken into custody. The report must include all emergency contact information for the person that is readily accessible to the law enforcement officer, including information available through electronic databases maintained by the Department of Law Enforcement or by the Department of Highway Safety and Motor Vehicles. Such emergency contact information may be used by a hospital or licensed detoxification or addictions receiving facility only for the purpose of informing listed emergency contacts of a patient's whereabouts pursuant to s. 119.0712(2)(d). The written report shall be included in the patient's clinical record; or

(b) In the case of an adult, detain the person for his or her own protection in any municipal or county jail or other appropriate detention facility.

Such detention is not to be considered an arrest for any purpose, and no entry or other record may be made to indicate that the person has been detained or charged with any crime. The officer in charge of the detention facility must notify the nearest appropriate licensed service provider within the first 8 hours after detention that the person has been detained. It is the duty of the detention facility to arrange, as necessary, for transportation of the person to an appropriate licensed service provider with an available bed. Persons taken into protective custody must be assessed by the attending physician within the 72-hour period and without unnecessary delay, to determine the need for further services.

(2) The law enforcement officer must notify the nearest relative of a minor in protective custody and must notify the nearest relative or other known emergency contact of an adult, unless the adult requests that there be no notification. The law enforcement officer must document such notification, and any attempts at notification, in the written report detailing the circumstances under which the person was taken into custody as required under paragraph (1)(a).

History.—s. 6, ch. 93-39; s. 741, ch. 95-148; s. 24, ch. 2016-241; s. 10, ch. 2022-36.

397.6773 Dispositional alternatives after protective custody.—

(1) An individual who is in protective custody must be released by a qualified professional when:

(a) The individual no longer meets the involuntary admission criteria in s. 397.675;

(b) The 72-hour period has elapsed; or

(c) The individual has consented to remain voluntarily at the licensed service provider.

(2) An individual may only be retained in protective custody beyond the 72-hour period when a petition for involuntary assessment or treatment has been initiated. The timely filing of the petition authorizes the service provider to retain physical custody of the individual pending further order of the court.

History.—s. 6, ch. 93-39; s. 742, ch. 95-148; s. 31, ch. 2009-132; s. 25, ch. 2016-241.

397.6774 Department to maintain lists of licensed facilities.—The department shall provide each municipal and county public safety office with a list of licensed hospitals, detoxification facilities, and addictions receiving facilities, including the name, address, and phone number of, and the services offered by, the licensed service provider.

History.—s. 6, ch. 93-39.

397.6775 Immunity from liability.—A law enforcement officer acting in good faith pursuant to this part may not be held criminally or civilly liable for false imprisonment.

History.—s. 6, ch. 93-39.

C. Noncourt Involved Admissions; Emergency

397.679 Emergency admission; circumstances justifying.
397.6791 Emergency admission; persons who may initiate.
397.6793 Professional's certificate for emergency admission.
397.6795 Transportation-assisted delivery of persons for emergency assessment.
397.6797 Dispositional alternatives after emergency admission.

397.679 Emergency admission; circumstances justifying.—A person who meets the criteria for involuntary admission in s. 397.675 may be admitted to a hospital or to a licensed detoxification facility or addictions receiving facility for emergency assessment and stabilization, or to a less intensive component of a licensed service provider for assessment only, upon receipt by the facility of a certificate by a physician, an advanced practice registered nurse, a psychiatric nurse, a clinical psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician assistant working under the scope of practice of the supervising physician, or a master's-level-certified addictions professional for substance abuse services, if the certificate is specific to substance abuse impairment, and the completion of an application for emergency admission.

History.—s. 6, ch. 93-39; s. 26, ch. 2016-241; s. 27, ch. 2018-106.

397.6791 Emergency admission; persons who may initiate.—The following persons may request a certificate for emergency assessment or admission:

(1) In the case of an adult, any professional who may issue a professional certificate pursuant to s. 397.6793, the person's spouse or legal guardian, any relative of the person, or any other responsible adult who has personal knowledge of the person's substance abuse impairment.

(2) In the case of a minor, the minor's parent, legal guardian, or legal custodian.

History.—s. 6, ch. 93-39; s. 27, ch. 2016-241.

397.6793 Professional's certificate for emergency admission.—

(1) A physician, a clinical psychologist, a physician assistant working under the scope of practice of the supervising physician, a psychiatric nurse, an advanced practice registered nurse, a mental health counselor, a marriage and family therapist, a master's-level-certified addictions professional for substance abuse services, or a clinical social worker may execute a professional's certificate for emergency admission. The professional's certificate must include the name of the person to be admitted, the relationship between the person and the professional executing the certificate, the relationship between the applicant and the professional, any relationship between the professional and the licensed service provider, a statement that the person has been examined and assessed within the preceding 5 days after the application date, and factual allegations with respect to the need for emergency admission, including:

(a) The reason for the belief that the person is substance abuse impaired;

(b) The reason for the belief that because of such impairment the person has lost the power of self-control with respect to substance abuse; and

(c)1. The reason for the belief that, without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted or, unless admitted, is likely to inflict, physical harm on himself, herself, or another; or

2. The reason for the belief that the person's refusal to voluntarily receive care is based on judgment so impaired by reason of substance abuse that the person is incapable of appreciating his or her need for care and of making a rational decision regarding his or her need for care.

(2) The professional's certificate must recommend the least restrictive type of service that is appropriate for the person. The certificate must be signed by the professional. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer shall take the person named in the certificate into custody and deliver him or her to the appropriate facility for involuntary assessment and stabilization.

(3) A signed copy of the professional's certificate shall accompany the person and shall be made a part of the person's clinical record, together with a signed copy of the application. The application and the professional's certificate authorize the involuntary admission of the person pursuant to, and subject to the provisions of, ss. 397.679-397.6797.

(4) The professional's certificate is valid for 7 days after issuance.

(5) The professional's certificate must indicate whether the person requires transportation assistance for delivery for emergency admission and specify, pursuant to s. 397.6795, the type of transportation assistance necessary.

History.—s. 6, ch. 93-39; s. 743, ch. 95-148; s. 28, ch. 2016-241; s. 28, ch. 2018-106.

397.6795 Transportation-assisted delivery of persons for emergency assessment.—An applicant for a person's emergency admission, the person's spouse or guardian, or a law enforcement officer may deliver a person named in the professional's certificate for emergency admission to a hospital or a licensed detoxification facility or addictions receiving facility for emergency assessment and stabilization.

History.—s. 6, ch. 93-39; s. 29, ch. 2016-241.

397.6797 Dispositional alternatives after emergency admission.—Within 72 hours after an emergency admission to a hospital or a licensed detoxification or addictions receiving facility, the individual must be assessed by the attending physician to determine the need for further services. Within 5 days after an emergency admission to a nonresidential component of a licensed service provider, the individual must be assessed by a qualified professional to determine the need for further services. Based upon that assessment, a qualified professional of the hospital, detoxification facility, or addictions receiving facility, or a qualified professional if a less restrictive component was used, must either:

(1) Release the individual and, where appropriate, refer the individual to other needed services; or

(2) Retain the individual when:

(a) The individual has consented to remain voluntarily at the licensed provider; or

(b) A petition for involuntary assessment or treatment has been initiated, the timely filing of which authorizes the service provider to retain physical custody of the individual pending further order of the court.

History.—s. 6, ch. 93-39; s. 32, ch. 2009-132.

D. Noncourt Involved Admissions; Alternative Involuntary Assessment for Minors

397.6798 Alternative involuntary assessment procedure for minors.
397.6799 Disposition of minor upon completion of alternative involuntary assessment.

397.6798 Alternative involuntary assessment procedure for minors.—

(1) In addition to protective custody, emergency admission, and involuntary assessment and stabilization, an addictions receiving facility may admit a minor for involuntary assessment and stabilization upon the filing of an application to an addictions receiving facility by the minor's parent, guardian, or legal custodian. The application must establish the need for involuntary assessment and stabilization based on the criteria for involuntary admission in s. 397.675. Within 72 hours after involuntary admission of a minor, the minor must be assessed to determine the need for further services. Assessments must be performed by a qualified professional. If, after the 72-hour period, it is determined by the attending physician that further services are necessary, the minor may be kept for a period of up to 5 days, inclusive of the 72-hour period.

(2) An application for alternative involuntary assessment for a minor must establish the need for immediate involuntary admission and contain the name of the minor to be admitted, the name and signature of the applicant, the relationship between the minor to be admitted and the applicant, and factual allegations with respect to:

(a) The reason for the applicant's belief that the minor is substance abuse impaired; and

(b) The reason for the applicant's belief that because of such impairment the minor has lost the power of self-control with respect to substance abuse; and either

(c)1. The reason the applicant believes that the minor has inflicted or is likely to inflict physical harm on himself or herself or others unless admitted; or

2. The reason the applicant believes that the minor's refusal to voluntarily receive substance abuse services is based on judgment so impaired by reason of substance abuse that he or she is incapable of appreciating his or her need for such services and of making a rational decision regarding his or her need for services.

History.—s. 6, ch. 93-39; s. 744, ch. 95-148.

397.6799 Disposition of minor upon completion of alternative involuntary assessment.—A minor who has been assessed pursuant to s. 397.6798 must, within the time specified, be released or referred for further voluntary or involuntary treatment, whichever is most appropriate to the needs of the minor.

History.—s. 6, ch. 93-39; s. 33, ch. 2009-132.

E. Court Involved Admissions, Civil Involuntary Proceedings; Generally

397.681 Involuntary petitions; general provisions; court jurisdiction and right to counsel.

397.681 Involuntary petitions; general provisions; court jurisdiction and right to counsel.—

(1) JURISDICTION.—The courts have jurisdiction of involuntary treatment petitions for substance abuse impaired persons, and such petitions must be filed with the clerk of the court in the county where the person is located. The clerk of the court may not charge a fee for the filing of a petition under this section. The chief judge may appoint a general or special magistrate to preside over all or part of the proceedings. The alleged impaired person is named as the respondent.

(2) RIGHT TO COUNSEL.—A respondent has the right to counsel at every stage of a judicial proceeding relating to a petition for his or her involuntary treatment for substance abuse impairment; however, the respondent may waive that right if the respondent is present and the court finds that such waiver is made knowingly, intelligently, and voluntarily. A respondent who desires counsel and is unable to afford private counsel has the right to court-appointed counsel and to the benefits of s. 57.081. If the court believes that the respondent needs or desires the assistance of counsel, the court shall appoint such counsel for the respondent without regard to the respondent's wishes. If the respondent is a minor not otherwise represented in the proceeding, the court shall immediately appoint a guardian ad litem to act on the minor's behalf.

History.—s. 6, ch. 93-39; s. 745, ch. 95-148; s. 79, ch. 2004-11; s. 30, ch. 2016-241; s. 28, ch. 2024-245.

F. Court Involved Admissions: Involuntary Treatment

397.68111 Involuntary treatment.
397.68112 Involuntary services; persons who may petition.
397.68141 Contents of petition for involuntary treatment services.
397.68151 Duties of court upon filing of petition for involuntary services.
397.6818 Court determination.
397.6957 Hearing on petition for involuntary treatment services.
397.697 Court determination; effect of court order for involuntary services.
397.6971 Early release from involuntary services.
397.6975 Extension of involuntary treatment services period.
397.6977 Disposition of individual upon completion of involuntary services.

397.68111 Involuntary treatment.—A person may be the subject of a petition for court-ordered involuntary treatment pursuant to this part if that person:

(1) Reasonably appears to meet the criteria for involuntary admission provided in s. 397.675;

(2) Has been placed under protective custody pursuant to s. 397.677 within the previous 10 days;

(3) Has been subject to an emergency admission pursuant to s. 397.679 within the previous 10 days; or

(4) Has been assessed by a qualified professional within 30 days.

History.—s. 6, ch. 93-39; s. 29, ch. 2024-245.

Note.—Former s. 397.693.

397.68112 Involuntary services; persons who may petition.—

(1) If the respondent is an adult, a petition for involuntary treatment services may be filed by the respondent's spouse or legal guardian, any relative, a service provider, or an adult who has direct personal knowledge of the respondent's substance abuse impairment and his or her prior course of assessment and treatment.

(2) If the respondent is a minor, a petition for involuntary treatment services may be filed by a parent, legal guardian, or service provider.

(3) The court may prohibit, or a law enforcement agency may waive, any service of process fees if a petitioner is determined to be indigent.

History.—s. 6, ch. 93-39; s. 750, ch. 95-148; s. 35, ch. 2016-241; s. 30, ch. 2024-245.

Note.—Former s. 397.695.

397.68141 Contents of petition for involuntary treatment services.—A petition for involuntary services must contain the name of the respondent; the name of the petitioner; the relationship between the respondent and the petitioner; the name of the respondent's attorney, if known; and the factual allegations presented by the petitioner establishing the need for involuntary services for substance abuse impairment.

(1) The factual allegations must demonstrate:

(a) The reason for the petitioner's belief that the respondent is substance abuse impaired;

(b) The reason for the petitioner's belief that because of such impairment the respondent has lost the power of self-control with respect to substance abuse; and

(c)1. The reason the petitioner believes that the respondent has inflicted or is likely to inflict physical harm on himself or herself or others unless the court orders the involuntary services; or

2. The reason the petitioner believes that the respondent's refusal to voluntarily receive care is based on judgment so impaired by reason of substance abuse that the respondent is incapable of appreciating his or her need for care and of making a rational decision regarding that need for care.

(2) The petition may be accompanied by a certificate or report of a qualified professional who examined the respondent within 30 days before the petition was filed. The certificate or report must include the qualified professional's findings relating to his or her assessment of the patient and his or her treatment recommendations. If the respondent was not assessed before the filing of a treatment petition or refused to submit to an evaluation, the lack of assessment or refusal must be noted in the petition.

(3) If there is an emergency, the petition must also describe the respondent's exigent circumstances and include a request for an ex parte assessment and stabilization order that must be executed pursuant to s. 397.6818.

History.—s. 6, ch. 93-39; s. 751, ch. 95-148; s. 36, ch. 2016-241; s. 31, ch. 2024-245; s. 40, ch. 2025-6; s. 14, ch. 2025-143.
Note.—Former s. 397.6951.

397.68151 Duties of court upon filing of petition for involuntary services.—

(1) Upon the filing of a petition for involuntary services for a substance abuse impaired person with the clerk of the court, the court shall immediately determine whether the respondent is represented by an attorney or whether the appointment of counsel for the respondent is appropriate. If the court appoints counsel for the person, the clerk of the court shall immediately notify the office of criminal conflict and civil regional counsel, created pursuant to s. 27.511, of the appointment. The office of criminal conflict and civil regional counsel shall represent the person until the petition is dismissed, the court order expires, the person is discharged from involuntary treatment services, or the office is otherwise discharged by the court. An attorney that represents the person named in the petition shall have access to the person, witnesses, and records relevant to the presentation of the person's case and shall represent the interests of the person, regardless of the source of payment to the attorney.

(2) The court shall schedule a hearing to be held on the petition within 10 court working days unless a continuance is granted. The court may appoint a magistrate to preside at the hearing.

(3) A copy of the petition and notice of the hearing must be provided to the respondent; the respondent's parent, guardian, or legal custodian, in the case of a minor; the respondent's attorney, if known; the petitioner; the respondent's spouse or guardian, if applicable; and such other persons as the court may direct. If the respondent is a minor, a copy of the petition and notice of the hearing must be personally delivered to the respondent. The clerk shall also issue a summons to the person whose admission is sought, and, unless a circuit court's chief judge authorizes disinterested private process servers to serve parties under this chapter, within 6 hours after the summons being issued, the clerk of the court shall electronically submit the summons and, if applicable, a copy of the petition and notice of hearing to a law enforcement agency to effect such service on the person whose admission is sought for the initial treatment hearing.

History.—s. 6, ch. 93-39; s. 752, ch. 95-148; s. 37, ch. 2016-241; s. 32, ch. 2024-245; s. 2, ch. 2025-10.
Note.—Former s. 397.6955.

397.6818 Court determination.—

(1) When the petitioner asserts that emergency circumstances exist, or when upon review of the petition the court determines that an emergency exists, the court may rely solely on the contents of the petition and, without the appointment of an attorney, enter an ex parte order for the respondent's involuntary assessment and stabilization which must be executed during the period when the hearing on the petition for treatment is pending.

(2) The court may further order a law enforcement officer or another designated agent of the court to:

(a) Take the respondent into custody and deliver him or her for evaluation to either the nearest appropriate licensed service provider or a licensed service provider designated by the court.

(b) Serve the respondent with the notice of hearing and a copy of the petition.

(3) The service provider may not hold the respondent for longer than 72 hours of observation, unless:

(a) The service provider seeks additional time under s. 397.6957(1)(c) and the court, after a hearing, grants that motion;

(b) The respondent shows signs of withdrawal, or a need to be either detoxified or treated for a medical condition, which shall extend the amount of time the respondent may be held for observation until the issue is resolved but no later than the scheduled hearing date, absent a court-approved extension; or

(c) The original or extended observation period ends on a weekend or holiday, including the hours before the ordinary business hours of the following workday morning, in which case the provider may hold the respondent until the next court working day.

(4) If the ex parte order was not executed by the initial hearing date, it is deemed void. However, if the respondent does not appear at the hearing for any reason, including lack of service, and upon reviewing the petition, testimony, and evidence presented, the court reasonably believes the respondent meets this chapter's commitment criteria and that a substance abuse emergency exists, the court may issue or reissue an ex parte assessment and stabilization order that is valid for 90 days. If the respondent's location is known at the time of the hearing, the court:

(a) Must continue the case for no more than 10 court working days; and

(b) May order a law enforcement officer or another designated agent of the court to:

1. Take the respondent into custody and deliver him or her for evaluation to either the nearest appropriate licensed service provider or a licensed service provider designated by the court; and

2. If a hearing date is set, serve the respondent with notice of the rescheduled hearing and a copy of the involuntary treatment petition if the respondent has not already been served.

Otherwise, the petitioner must inform the court that the respondent has been assessed so that the court may schedule a hearing as soon as is practicable. However, if the respondent has not been assessed within 90 days, the court must dismiss the case.

History.—s. 6, ch. 93-39; s. 749, ch. 95-148; s. 33, ch. 2016-241; s. 33, ch. 2024-245.

397.6957 Hearing on petition for involuntary treatment services.—

(1)(a) The respondent must be present at a hearing on a petition for involuntary treatment services unless the court finds that he or she knowingly, intelligently, and voluntarily waives his or her right to be present or, upon receiving proof of service and evaluating the circumstances of the case, that his or her presence is inconsistent with his or her best interests or is likely to be injurious to self or others. The court shall hear and review all relevant evidence, including testimony from individuals such as family members familiar with the respondent's prior history and how it relates to his or her current condition, and the results of the assessment completed by the qualified professional in connection with this chapter. The court may also order drug tests. Witnesses may remotely attend and, as appropriate, testify at the hearing under oath via audio-video telecommunications technology. A witness intending to remotely attend and testify must provide the parties with all relevant documents by the close of business on the day before the hearing.

(b) A respondent may not be involuntarily ordered into treatment under this chapter without a clinical assessment being performed, unless he or she is present in court and expressly waives the assessment. In nonemergency situations, if the respondent was not, or had previously refused to be, assessed by a qualified professional and, based on the petition, testimony, and evidence presented, it reasonably appears that the respondent qualifies for involuntary treatment services, the court shall issue an involuntary assessment and stabilization order to determine the appropriate level of treatment the respondent requires. Additionally, in cases where an assessment was attached to the petition, the respondent may request, or the court on its own motion may order, an independent assessment by a court-appointed or otherwise agreed upon qualified professional. The respondent shall be informed by the court of the right to an independent assessment. If an assessment order is issued, it is valid for 90 days, and if the respondent is present or there is either proof of service or his or her location is known, the involuntary treatment hearing shall be continued for no more than 10 court working days. Otherwise, the petitioner must inform the court that the respondent has been assessed so that the court may schedule a hearing as soon as is practicable. The assessment must occur before the new hearing date, and if there is evidence indicating that the respondent will not voluntarily appear at the forthcoming hearing or is a danger to self or others, the court may enter a preliminary order committing the respondent to an appropriate treatment facility for further evaluation until the date of the rescheduled hearing. However, if after 90 days the respondent remains unassessed, the court shall dismiss the case.

(c)1. The respondent's assessment by a qualified professional must occur within 72 hours after his or her arrival at a licensed service provider unless the respondent shows signs of withdrawal or a need to be either detoxified or treated for a medical condition, which shall extend the amount of time the respondent may be held for observation until such issue is resolved but no later than the scheduled hearing date, absent a court-approved extension. If the respondent is a minor, such assessment must be initiated within the first 12 hours of the minor's admission to the facility. The service provider may also move to extend the 72 hours of observation by petitioning the court in writing for additional time. The service provider must furnish copies of such motion to all parties in accordance with applicable confidentiality requirements, and after a hearing, the court may grant additional time. If the court grants the service provider's petition, the service provider may continue to hold the respondent, and if the original or extended observation period ends on a weekend or holiday, including the hours before the ordinary business hours of the following workday morning, the provider may hold the respondent until the next court working day.

2. No later than the ordinary close of business on the day before the hearing, the qualified professional shall transmit, in accordance with any applicable confidentiality requirements, his or her clinical assessment to the clerk of the court, who shall enter it into the court file. The report must contain a recommendation on the level of substance abuse treatment the respondent requires, if any, and the relevant information on which the qualified professional's findings are based. This document must further note whether the respondent has any co-occurring mental health or other treatment needs. For adults subject to an involuntary assessment, the report's filing with the court satisfies s. 397.6758 if it also contains the respondent's admission and discharge information. The qualified professional's failure to include a treatment recommendation, much like a recommendation of no treatment, shall result in the petition's dismissal.

(2) The petitioner has the burden of proving by clear and convincing evidence that:

(a) The respondent is substance abuse impaired and has a history of lack of compliance with treatment for substance abuse; and

(b) Because of such impairment the respondent is unlikely to voluntarily participate in the recommended services or is unable to determine for himself or herself whether services are necessary and:

1. Without services, the respondent is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that there is a substantial likelihood that without services the respondent will cause serious bodily harm to himself, herself, or another in the near future, as evidenced by recent behavior; or

2. The respondent's refusal to voluntarily receive care is based on judgment so impaired by reason of substance abuse that the respondent is incapable of appreciating his or her need for care and of making a rational decision regarding that need for care.

(3) Testimony in the hearing must be taken under oath, and the proceedings must be recorded. The respondent may refuse to testify at the hearing.

(4) If at any point during the hearing the court has reason to believe that the respondent, due to mental illness other than or in addition to substance abuse impairment, meets the involuntary commitment provisions of part I of chapter 394, the court may initiate involuntary examination proceedings under such provisions.

(5) At the conclusion of the hearing the court shall either dismiss the petition or order the respondent to receive involuntary treatment services from his or her chosen licensed service provider if possible and appropriate. Any treatment order must include findings regarding the respondent's need for treatment and the appropriateness of other less restrictive alternatives.

History.—s. 6, ch. 93-39; s. 753, ch. 95-148; s. 38, ch. 2016-241; s. 34, ch. 2024-245.

397.697 Court determination; effect of court order for involuntary services.—

(1)(a) When the court finds that the conditions for involuntary treatment services have been proved by clear and convincing evidence, it may order the respondent to receive involuntary treatment services from a publicly funded licensed service provider for a period not to exceed 90 days. The court may also order a respondent to undergo treatment through a privately funded licensed service provider if the respondent has the ability to pay for the treatment, or if any person on the respondent's behalf voluntarily demonstrates a willingness and an ability to pay for the treatment. If the court finds it necessary, it may direct the sheriff to take the respondent into custody and deliver him or her to the licensed service provider specified in the court order, or to the nearest appropriate licensed service provider, for involuntary treatment services. When the conditions justifying involuntary treatment services no longer exist, the individual must be released as provided in s. 397.6971. When the conditions justifying involuntary treatment services are expected to exist after 90 days of treatment services, a renewal of the involuntary services order may be requested pursuant to s. 397.6975 before the end of the 90-day period.

(b) To qualify for involuntary outpatient treatment, an individual must be supported by a social worker or case manager of a licensed service provider, or a willing, able, and responsible individual appointed by the court who shall inform the court and parties if the respondent fails to comply with his or her outpatient program. In addition, unless the respondent has been involuntarily ordered into inpatient treatment under this chapter at least twice during the last 36 months, or demonstrates the ability to substantially comply with the outpatient treatment while waiting for residential placement to become available, he or she must receive an assessment from a qualified professional or licensed physician expressly recommending outpatient services, such services must be available in the county in which the respondent is located, and it must appear likely that the respondent will follow a prescribed outpatient care plan.

(2) In all cases resulting in an order for involuntary treatment services, the court shall retain jurisdiction over the case and the parties for the entry of such further orders as the circumstances may require, including, but not limited to, monitoring compliance with treatment, changing the treatment modality, or initiating contempt of court proceedings for violating any valid order issued pursuant to this chapter. Hearings under this section may be set by motion of the parties or under the court's own authority, and the motion and notice of hearing for these ancillary proceedings, which include, but are not limited to, civil contempt, must be served in accordance with relevant court procedural rules. The court's requirements for notification of proposed release must be included in the original order.

(3) An involuntary treatment services order also authorizes the licensed service provider to require the individual to receive treatment services that will benefit him or her, including treatment services at any licensable service component of a licensed service provider.

(4) If the court orders involuntary treatment services, a copy of the order must be sent to the managing entity, the department, and the Louis de la Parte Florida Institute established under s. 1004.44, within 1 working day after it is received from the court. Documents may be submitted electronically through existing data systems, if applicable.

(5) The department and the institute established under s. 1004.44, shall also receive and maintain copies of the involuntary assessment and treatment orders issued pursuant to ss. 397.68151, 397.6818, and 397.6957; the qualified professional assessments; the professional certificates; and the law enforcement officers' protective custody reports. The institute established under s. 1004.44 shall use such documents to prepare annual reports analyzing the data the documents contain, without including patients' personal identifying information, and the institute shall post such reports on its website and provide copies of the reports to the department, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year.

History.—s. 6, ch. 93-39; s. 754, ch. 95-148; s. 37, ch. 2009-132; s. 39, ch. 2016-241; s. 35, ch. 2024-245.

397.6971 Early release from involuntary services.—

(1) At any time before the end of the 90-day involuntary treatment services period, or before the end of any extension granted pursuant to s. 397.6975, an individual receiving involuntary treatment services may be determined eligible for discharge to the most appropriate referral or disposition for the individual when any of the following apply:

(a) The individual no longer meets the criteria for involuntary admission and has given his or her informed consent to be transferred to voluntary treatment status.

(b) If the individual was admitted on the grounds of likelihood of infliction of physical harm upon himself or herself or others, such likelihood no longer exists.

(c) If the individual was admitted on the grounds of need for assessment and stabilization or treatment, accompanied by inability to make a determination respecting such need:

1. Such inability no longer exists; or

2. It is evident that further treatment will not bring about further significant improvements in the individual's condition.

(d) The individual no longer needs treatment services.

(e) The director of the service provider determines that the individual is beyond the safe management capabilities of the provider.

(2) Whenever a qualified professional determines that an individual admitted for involuntary treatment services qualifies for early release under subsection (1), the service provider shall immediately discharge the individual and must notify all persons specified by the court in the original treatment order.

History.—s. 6, ch. 93-39; s. 755, ch. 95-148; s. 38, ch. 2009-132; s. 40, ch. 2016-241; s. 36, ch. 2024-245.

397.6975 Extension of involuntary treatment services period.—

(1) Whenever a service provider believes that an individual who is nearing the scheduled date of his or her release from involuntary treatment services continues to meet the criteria for involuntary services in s. 397.68111 or s. 397.6957, a petition for renewal of the involuntary treatment services order must be filed with the court before the expiration of the court-ordered services period. The petition may be filed by the service provider or by the person who filed the petition for the initial treatment order if the petition is accompanied by supporting documentation from the service provider. The court shall immediately schedule a hearing within 10 court working days to be held not more than 15 days after filing of the petition, and the court shall provide the copy of the petition for renewal and the notice of the hearing to all parties and counsel to the proceeding. The hearing is conducted pursuant to ss. 397.6957 and 397.697 and must be held before the circuit court unless referred to a magistrate.

(2) If the court finds that the petition for renewal of the involuntary treatment services order should be granted, it may order the respondent to receive involuntary treatment services for a period not to exceed an additional 90 days. When the conditions justifying involuntary treatment services no longer exist, the individual must be released as provided in s. 397.6971. When the conditions justifying involuntary services continue to exist after an additional 90 days of service, a new petition requesting renewal of the involuntary treatment services order may be filed pursuant to this section.

History.—s. 6, ch. 93-39; s. 39, ch. 2009-132; s. 41, ch. 2016-241; s. 37, ch. 2024-245.

397.6977 Disposition of individual upon completion of involuntary services.—

(1) At the conclusion of the 90-day period of court-ordered involuntary services, the respondent is automatically discharged unless a motion for renewal of the involuntary services order has been filed with the court pursuant to s. 397.6975.

(2) Discharge planning and procedures for any respondent's release from involuntary treatment services must include and document the respondent's needs, and actions to address such needs, for, at a minimum:

(a) Follow-up behavioral health appointments.

(b) Information on how to obtain prescribed medications.

(c) Information pertaining to available living arrangements and transportation.

(d) Referral to recovery support opportunities, including, but not limited to, connection to a peer specialist.

History.—s. 6, ch. 93-39; s. 40, ch. 2009-132; s. 42, ch. 2016-241; s. 38, ch. 2024-245.

PART VI
LOCAL ORDINANCE PROHIBITION AND AUTHORIZATION; ADMISSIONS PROCEDURES

397.701 Local ordinances affecting impairment and public impairment offenses forbidden.
397.702 Authorization of local ordinances for treatment of habitual abusers in licensed secure facilities.

397.701 Local ordinances affecting impairment and public impairment offenses forbidden.—A county, municipality, or other political subdivision of the state may not, except pursuant to the provisions of s. 397.702, adopt a local law, ordinance, resolution, or regulation having the force of law which provides that impairment in public in and of itself, or being found in enumerated places in an impaired condition, is an offense, a violation, or the subject of civil or criminal sanctions or penalties of any kind. This section does not affect offenses involving the operation of motor vehicles, machinery, or other hazardous equipment.

History.—s. 7, ch. 93-39.

397.702 Authorization of local ordinances for treatment of habitual abusers in licensed secure facilities.—

(1) Due to the severity in certain areas of the state of chronic and habitual public impairment which infringes upon the public health, safety, and welfare of the citizens, counties and municipalities are authorized to adopt ordinances in strict compliance with this section, notwithstanding the provisions of s. 397.701.

(2) Ordinances for the treatment of habitual abusers must provide:

(a) For the construction and funding, either individually or jointly with other counties or municipalities, of a licensed secure facility to be used exclusively for the treatment of habitual abusers who meet the criteria in paragraph (b).

(b) That when seeking treatment of a habitual abuser, the county or municipality, through an officer or agent specified in the ordinance, must file with the court a petition which alleges the following information about the alleged habitual abuser (the respondent):

1. The name, address, age, and gender of the respondent.

2. The name of any spouse, adult child, other relative, or guardian of the respondent, if known to the petitioner, and the efforts by the petitioner, if any, to ascertain this information.

3. The name of the petitioner, the name of the person who has physical custody of the respondent, and the current location of the respondent.

4. That the respondent has been taken into custody for impairment in a public place, or has been arrested for an offense committed while impaired, three or more times during the preceding 12 months.

5. Specific facts indicating that the respondent meets the criteria for involuntary admission in s. 397.675.

6. Whether the respondent was advised of his or her right to be represented by counsel and to request that the court appoint an attorney if he or she is unable to afford one, and whether the respondent indicated to petitioner his or her desire to have an attorney appointed.

(c) That the court with jurisdiction to make the determination authorized by this section shall hear the petition on an emergency basis as soon as practicable but not later than 10 days after the date the petition was filed. If the allegations of the petition indicate that the respondent has requested the appointment of an attorney, or otherwise indicate the absence of any competent person to speak at the hearing on behalf of the respondent, the court shall immediately appoint an attorney to represent the respondent pursuant to s. 397.501(8), and shall provide notice of the hearing to the attorney. When the court sets a hearing date the petitioner shall provide notice of the hearing and a copy of the petition to all of the persons named in the petition pursuant to subparagraph (b)2., and to such other persons as may be ordered by the court to receive notice.

(d) That, upon the court's determination that the allegations of the petition as stated in paragraph (b) are established, the respondent is a habitual abuser and must be detained at the licensed secure facility for a period of up to 90 days as determined by the court for the purpose of participating in a treatment program.

(e) That, if the individual still meets the criteria for involuntary admission in s. 397.675 at or near the expiration of the treatment period ordered by the court pursuant to paragraph (d), the agent of the county or municipality may file another habitual abuser petition pursuant to paragraph (b) for a period not exceeding 180 days for each such petition.

(f) That a person who is reasonably suspected of meeting the criteria in paragraph (b) may be detained at a licensed service provider or at a licensed secure facility for a period not exceeding 96 hours for purposes of the preparation and filing of

the petition.

(3) When a petition is filed under an ordinance authorized by this section, alleging a reasonable suspicion that the respondent meets the criteria in paragraph (2)(b), the department and any licensed service provider director with relevant information must, upon the court's request and in accordance with federal confidentiality regulations, furnish the court with all information necessary to determine the accuracy of the allegations.

(4) This section does not affect the operation under contract of any licensed secure correctional facility or licensed service provider at a secure correctional facility which is not operating pursuant to an ordinance adopted under authorization of this section.

History.—s. 7, ch. 93-39; s. 756, ch. 95-148; s. 41, ch. 2009-132.

PART VII
OFFENDER REFERRALS

397.705 Referral of substance abuse impaired offenders to service providers.
397.706 Screening, assessment, and disposition of juvenile offenders.

397.705 Referral of substance abuse impaired offenders to service providers.—

(1) AUTHORITY TO REFER.—If any offender, including but not limited to any minor, is charged with or convicted of a crime, the court or criminal justice authority with jurisdiction over that offender may require the offender to receive services from a service provider licensed under this chapter. If referred by the court, the referral shall be in addition to final adjudication, imposition of penalty or sentence, or other action. The court may consult with or seek the assistance of a service provider concerning such a referral. Assignment to a service provider is contingent upon availability of space, budgetary considerations, and manageability of the offender.

(2) REFERRAL AND TREATMENT.—

(a) An order referring an offender under subsection (1) must be in writing and must be signed by the referral source. The order must specify the name of the offender, the name and address of the service provider to which the offender is referred, the date of the referral, the duration of the offender's sentence, and all conditions stipulated by the referral source. The total amount of time the offender is required to receive treatment may not exceed the maximum length of sentence possible for the offense with which the offender is charged or convicted. A copy of the order must be delivered to the service provider.

(b) The director may refuse to admit any offender referred to the service provider under subsection (1). The director's refusal to admit the offender must be communicated immediately and in writing within 72 hours to the referral source, stating the basis for such refusal.

(c) The director may, after consulting with the referral source, discharge any offender referred to the service provider under subsection (1) when, in the judgment of the director, the offender is beyond the safe management capabilities of the service provider. The director must orally communicate a decision to discharge an offender to the offender and to the referral source, immediately, and must communicate the decision in writing within 72 hours thereafter, stating the basis for the determination that the offender is beyond the safe management capabilities of the facility.

(d) When an offender successfully completes treatment or when the time period during which the offender is required to receive treatment expires, the director shall communicate such fact to the referral source.

History.—s. 8, ch. 93-39; s. 38, ch. 97-194.

397.706 Screening, assessment, and disposition of juvenile offenders.—

(1) The substance abuse treatment needs of juvenile offenders and their families must be identified and addressed through diversionary programs and adjudicatory proceedings pursuant to chapter 984 or chapter 985.

(2) The juvenile and circuit courts, in conjunction with department substate entity administration, shall establish policies and procedures to ensure that juvenile offenders are appropriately screened for substance abuse problems and that diversionary and adjudicatory proceedings include appropriate conditions and sanctions to address substance abuse problems. Policies and procedures must address:

(a) The designation of local service providers responsible for screening and assessment services and dispositional recommendations to the department and the court.

(b) The means by which juvenile offenders are processed to ensure participation in screening and assessment services.

(c) The role of the court in securing assessments when juvenile offenders or their families are noncompliant.

(d) Safeguards to ensure that information derived through screening and assessment is used solely to assist in dispositional decisions and not for purposes of determining innocence or guilt.

(3) Because resources available to support screening and assessment services are limited, the judicial circuits and department substate entity administration must develop those capabilities to the extent possible within available resources according to the following priorities:

(a) Juvenile substance abuse offenders.

(b) Juvenile offenders who are substance abuse impaired at the time of the offense.

(c) Second or subsequent juvenile offenders.

(d) Minors taken into custody.

(4) The court may require juvenile offenders and their families to participate in substance abuse assessment and treatment services in accordance with the provisions of chapter 984 or chapter 985 and may use its contempt powers to enforce its orders.

History.—s. 8, ch. 93-39; s. 36, ch. 98-280; s. 42, ch. 2009-132.

PART VIII
INMATE SUBSTANCE ABUSE PROGRAMS

397.752 Scope of part.
397.753 Definitions.
397.754 Duties and responsibilities of the Department of Corrections.

397.752 Scope of part.—An inmate's substance abuse service records are confidential in accordance with s. 397.501(7). No other provision of parts I-VII of this chapter applies to inmates except as indicated by the context or specified.

History.—s. 9, ch. 93-39.

397.753 Definitions.—As used in this part:

(1) "Department" means the Department of Corrections.

(2) "Inmate" means any person committed by a court of competent jurisdiction to the custody of the Department of Corrections, including transfers from federal and state agencies under the Interstate Corrections Compact.

(3) "Inmate substance abuse services" means any service component as defined in s. 397.311 provided directly by the Department of Corrections and licensed and regulated by the Department of Children and Families pursuant to s. 397.4014, or provided through contractual arrangements with a service provider licensed pursuant to part II; or any self-help program or volunteer support group operating for inmates.

History.—s. 9, ch. 93-39; s. 108, ch. 99-8; s. 116, ch. 2014-19; s. 31, ch. 2017-173.

397.754 Duties and responsibilities of the Department of Corrections.—The Department of Corrections shall:

(1) To the fullest extent possible provide inmates upon arrival at a Department of Corrections reception center for initial processing with an assessment of substance abuse service needs.

(2) Provide inmates who are admitted to inmate substance abuse services with an individualized treatment plan which is developed on the basis of assessed need for services and which includes measurable goals and specifies the types of services needed to meet those goals.

(3) To the fullest extent possible provide inmates with individualized services.

(4) Develop and maintain systematic methods of research, evaluation, and monitoring of the appropriateness and quality of substance abuse programs.

(5) Provide inmates who have participated in substance abuse programs within 1 month of the date of their final release from the correctional facility in which they are incarcerated with information regarding options for continuing substance abuse services in the community and with referrals for such services as appropriate or upon the inmate's request.

(6) In cooperation with other agencies, actively seek to enhance resources for the provision of treatment services for inmates and to develop partnerships with other state agencies, including but not limited to the Departments of Children and Families, Education, Commerce, and Law Enforcement.

(7) To the extent of available funding, provide training to employees whose duties involve the provision of inmate substance abuse services.

(8) The department shall by rule set forth procedures with respect to individual dignity, nondiscriminatory services, quality services, communication for inmates who receive treatment for substance abuse, and confidentiality requirements in accordance with federal law.

History.—s. 9, ch. 93-39; s. 109, ch. 99-8; s. 117, ch. 2014-19; s. 41, ch. 2015-2; s. 123, ch. 2024-6.

PART IX
CHILDREN'S SUBSTANCE ABUSE SERVICES

397.92 Children's substance abuse services system; goals.
397.95 Children's substance abuse services; services provided by licensed providers.
397.96 Case management for complex substance abuse cases.
397.99 School substance abuse prevention partnership grants.
397.997 Prevention resources; Internet website.
397.998 Drug-free communities support match grants.

397.92 Children's substance abuse services system; goals.—

(1) It is the intent of the Legislature that the children's substance abuse services system achieve the following performance outcomes for children who are eligible for services:

(a) Identification of the presenting problems and conditions of substance abuse through the use of valid assessment.

(b) Improvement in the child's ability to function in the family with minimum supports.

(c) Improvement in the child's ability to function in school with minimum supports.

(d) Improvement in the child's ability to function in the community with minimum supports.

(e) Improvement in the child's ability to live drug-free.

(f) Reduction of behaviors and conditions that may be linked to substance abuse, such as unintended pregnancy, delinquency, sexually transmitted diseases, and smoking, and other negative behaviors.

(g) Increased return of children in state custody, drug-free, to their homes, or the placement of such children, drug-free, in an appropriate setting.

(2) Pursuant to former s. 216.0166, the department shall annually develop performance outcomes and performance measures to assess the performance of the children's substance abuse services system in achieving the intent of this section.

History.—s. 7, ch. 99-396; s. 42, ch. 2015-2.

397.95 Children's substance abuse services; services provided by licensed providers.—Each substate entity of the department shall ensure that all screening, intake, assessment, enrollment, service planning, and case management services provided under this part are provided by children's substance abuse services providers licensed under part II of this chapter and in accordance with standards set forth in department rules.

History.—s. 10, ch. 99-396; s. 46, ch. 2009-132.

397.96 Case management for complex substance abuse cases.—

(1) Contingent upon specific appropriations, it is the intent of the Legislature to provide for a more intensive level of case management for complex cases involving children who need substance abuse services. Such services shall be directed toward children receiving services from several agencies or programs to address the complex problems created by substance abuse, dependency, or addiction.

(2) The department shall determine when a child receiving children's substance abuse services under this part shall have a case manager.

(3) For the purposes of this section, "case management" means those activities aimed at:

(a) Implementing a treatment plan;

(b) Advocacy;

(c) Linking services providers to a child and family;

(d) Monitoring services delivery; and

(e) Collecting information to determine the effect of services and treatment.

(4) The case manager shall periodically review services utilization to ascertain compliance with plans approved by the planning team.

(5) In the attempt to minimize duplication, it is the intent of the Legislature that a child have no more than one case manager.

History.—s. 12, ch. 99-396; s. 13, ch. 2015-4.

397.99 School substance abuse prevention partnership grants.—

(1) GRANT PROGRAM.—

(a) In order to encourage the development of effective substance abuse prevention and early intervention strategies for school-age populations, the school substance abuse prevention partnership grant program is established.

(b) The department shall administer the program in cooperation with the Department of Education and the Department of Juvenile Justice.

(2) APPLICATION PROCEDURES; FUNDING REQUIREMENTS.—

(a) Schools, or community-based organizations in partnership with schools, may submit a grant proposal for funding or continued funding to the department by March 1 of each year. The department shall establish grant application procedures which ensure that grant recipients implement programs and practices that are effective. The department shall include the grant application document on an Internet website.

(b) Grants may fund programs to conduct prevention activities serving students who are not involved in substance use, intervention activities serving students who are experimenting with substance use, or both prevention and intervention activities, if a comprehensive approach is indicated as a result of a needs assessment.

(c) Grants may target youth, parents, and teachers and other school staff, coaches, social workers, case managers, and other prevention stakeholders.

(d) Performance measures for grant program activities shall measure improvements in student attitudes or behaviors as determined by the department.

(e) At least 50 percent of the grant funds available for local projects must be allocated to support the replication of prevention programs and practices that are based on research and have been evaluated and proven effective. The department shall develop related qualifying criteria.

(f) In order to be considered for funding, the grant application shall include the following assurances and information:

1. A letter from the administrators of the programs collaborating on the project, such as the school principal, community-based organization executive director, or recreation department director, confirming that the grant application has been reviewed and that each partner is committed to supporting implementation of the activities described in the grant proposal.

2. A rationale and description of the program and the services to be provided, including:

a. An analysis of prevention issues related to the substance abuse prevention profile of the target population.

b. A description of other primary substance use and related risk factors.

c. Goals and objectives based on the findings of the needs assessment.

d. The selection of programs or strategies that have been shown to be effective in addressing the findings of the needs assessment.

e. A method of identifying the target group for universal prevention strategies, and a method for identifying the individual student participants in selected and indicated prevention strategies.

f. A description of how students will be targeted.

g. Provisions for the participation of parents and guardians in the program.

h. An evaluation component to measure the effectiveness of the program in accordance with performance-based program budgeting effectiveness measures.

i. A program budget, which includes the amount and sources of local cash and in-kind resources committed to the budget and which establishes, to the satisfaction of the department, that the entity will make a cash or in-kind contribution to the program of a value that is at least 25 percent of the amount of the grant.

(g) The department shall consider the following in awarding such grants:

1. The number of youths that will be targeted.

2. The validity of the program design to achieve project goals and objectives that are clearly related to performance-based program budgeting effectiveness measures.

3. The desirability of funding at least one approved project in each of the department's substate entities.

(3) The department shall coordinate the review of grant applications with the Department of Education and the Department of Juvenile Justice and shall make award determinations no later than June 30 of each year. All applicants shall be notified by the department of its final action.

(4) Each entity that is awarded a grant as provided for in this section shall submit performance and output information as determined by the department.

History.—s. 15, ch. 99-396; s. 48, ch. 2009-132; s. 44, ch. 2013-18.

397.997 Prevention resources; Internet website.—

(1) The department shall develop a publicly available substance abuse prevention Internet website. The information on the Internet website shall target youth and their parents, teachers, and other stakeholders.

(2) The Internet website shall incorporate, at a minimum, the following components;

(a) The nature of Florida's current youth alcohol, tobacco, and other drug use concerns;

(b) The health, social, and legal effects of alcohol, tobacco, and other drug use on individuals, families, schools, and the economy;

(c) National, state, and local substance abuse prevention and treatment resources; and

(d) Classroom, home, and individual instructional activities and games geared to teach targeted youth about the harmful effects of alcohol, tobacco, or other drug use, refusal and other prevention skills, and how to get help for someone using drugs.

History.—s. 16, ch. 99-396.

397.998 Drug-free communities support match grants.—

(1) PURPOSE.—The purposes of drug-free communities match grants are to:

(a) Assist community coalitions in an effort to secure federal drug-free communities support program grants under Pub. L. No. 105-20.

(b) Reduce substance abuse among youth and, over time, to reduce substance abuse among adults.

(c) Enable community coalitions to strengthen collaboration efforts among public and private agencies to reduce substance abuse among youth.

(2) APPLICATION PROCESS.—

(a) Contingent upon specific appropriations, the department shall establish a program to provide drug-free communities match grants.

(b) The grants shall be used for all or part of the match required for community coalitions to secure a federal drug-free communities support program grant.

(3) ELIGIBLE APPLICANTS.—

(a) Community coalitions whose members have worked together on substance abuse reduction initiatives for a period of not less than 6 months are eligible to apply for match grant funds.

(b) The coalition must represent the targeted community and include at least one representative of each of the following groups: local Department of Children and Families official; youth; parents; business community; media; schools; organizations serving youth; law enforcement agencies; religious or fraternal organizations; civic and volunteer groups; health care professionals; other local or tribal governmental agencies with an expertise in the field of substance abuse, including, if applicable, the state authority with primary authority for substance abuse; and other organizations involved in reducing substance abuse.

(c) To demonstrate that the coalition meets the stated criteria, the applicant must submit examples or formal agreements, such as memorandums of understanding, previous newsletters or publications, or other examples of print media coverage that are dated within 6 months prior to submittal of the application.

(4) RELEASE OF FUNDS.—Match grant funds shall be released as required by federal regulations to community coalitions upon documentation that a community coalition has been awarded a drug-free communities support program grant.

(5) IN-KIND MATCH.—The department may provide other in-kind services or goods allowed by federal regulations in lieu of money, to achieve the purpose of this section.

History.—s. 17, ch. 99-396; s. 45, ch. 2013-18; s. 119, ch. 2014-19.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS; CHAPTER 82 REPLACING IN ITS ENTIRETY SECTION 82-322; ESTABLISHING A PROCESS FOR THE REVIEW AND APPROVAL OF REQUEST FOR ACCOMODATION FROM THE CITY'S RULES, POLICY, AND PRACTICES TO ALLOW A HANDICAPPED PERSON OR PERSONS TO HAVE EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING AND FOR THE APPROVAL OF CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Federal Fair Housing Act requires a local governmental entity to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

WHEREAS, court cases have held that before a local government can be sued for violating the above provision of the Fait Housing Act, a request must be made to the local governmental entity for a reasonable accommodation through the local governments established procedures used to adjust the rules, policy, practices or service in question.

WHEREAS, the City's current variance process requires a variance request to be reviewed based on certain criteria, which may not be applicable to a request for a reasonable accommodation under the Fair Housing Act.

WHEREAS, Section 397.487(15)(a), Florida Statutes, mandates that each municipality and county in the State of Florida must adopt an ordinance establishing procedures for the review and approval of certified recovery residences; and

WHEREAS, Section 397.487(15)(a), Florida Statutes, further mandates the inclusion within such ordinance of a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, Section 397.487(15)(b), Florida Statutes, provides that the regulation of the establishment of certified recovery residences must be consistent with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.); and

WHEREAS, the City of Holly Hill Board of Planning and Appeals held a public hearing on April 6, 2026, with all required public notice, to provide recommendations to the City Commission on this Ordinance to amend the Land Development Code and recommend that the City Commission adopt the Ordinance; and

WHEREAS, adoption of this Ordinance ensures that the City of Holly Hill complies with Section 397.487(15), Florida Statutes, and that the best interest of the public health, safety, and welfare is served.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF HOLLY HILL FLORIDA:

SECTION 1. The findings set forth in the recitals above are adopted and fully incorporated herein by reference.

SECTION 2. Chapter 82, Article V, Division 3 of the Land Development Regulations, is hereby amended to replace the current text consisting of Section 82-322 in its entirety with the following text:

Section 82-322: Evaluation of request for accommodation pursuant to the Fair Housing Act.

A. Definitions. Pursuant to § 397.311, Florida Statutes the following definitions are incorporated fully into this section.

"**Certificate of compliance**" means a certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.

"**Certified recovery residence**" means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator. A certified recovery residence is not an Assisted Living Facility governed by FS Chapter 429 nor a Community Residential Home governed by FS Chapter 419 and is not considered transient living.

Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.

Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by

the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.

Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.

Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

"**Certified recovery residence administrator**" means a recovery residence administrator who holds a valid certificate of compliance.

"Request for accommodation" means a request for relief from the city's rules, policy, and practices, to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling and includes request related to a certified recovery residence.

B. Application and processing for request for accommodation

a. Purpose:

The purpose of this section is to establish procedures to request an accommodation from the city's rules, policy, or practices to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling including the review and approval of certified recovery residences as required by Chapter 397, Florida Statutes.

b. Application process for all request:

A request by an Applicant for a reasonable accommodation under this section shall be made in writing to the Planning Division. The reasonable accommodation request shall at a minimum provide the following information:

1. The name and contact information of the property owner, applicant, or the applicant's authorized representative;
2. The property address and parcel identification number;
3. Specifically identify the rules, policies, practices or services from which relief is being requested.
4. Identify the nature of the disability of the occupants of the dwelling.
5. Outline the minimum relief that is necessary to allow a handicapped person to use and enjoy the dwelling.
6. Described in detail how the requested relief is necessary to allow a person with the above identified disability to be able to reasonably use and enjoy the dwelling.
7. A certification stating the following: I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND VOID.
8. The signature of the Applicant and date.
9. Any additional information or documentation the Requestor feels is necessary to support the request for reasonable accommodation.

c. Requirements for recovery residences:

1. A certified recovery residence must be a minimum of 1,000 feet apart from another recovery residence or community residential home. Distance is measured from the nearest lot line of the entire parcel of the proposed Recovery Residence to the nearest lot line of the entire parcel of the closest existing recovery residence or community residential home.

2. The maximum number of occupants in a recovery residence shall not exceed the greater of two people per bedroom or one person per 200 gross feet of livable space in the principal dwelling, but in no event shall total occupancy exceed either criterion.

3. The parking need for a recovery home cannot exceed what a typical household would generate.

4. If permitted by Florida law, a recovery home must obtain a Business Tax Receipt.

d. Processing for recovery residences:

1. The Planning Division will date stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

2. Upon receiving a complete application, a request that meets all code requirements including a reasonable request for accommodation, will be approved at staff level. For purposes of this section, a request will be considered reasonable if it meets the following criteria:

a. The request is clearly linked to the disability.

b. The permitted uses, conditional uses and special exceptions allowed for the zoning designation of the property in question.

c. Is limited in scope (not a blanket waiver of all regulations)

d. Does not impose undue financial/administrative burden on the city.

e. Does not fundamentally alter the nature of the zoning scheme.

f. Does not create a safety risk.

g. Is not excessive or disruptive.

h. Ability of the existing dwelling to accommodate the requested variation, including bedrooms, bathrooms, outside parking and existing compliance with current building codes to determine the existence of any life and safety issues.

The final determination on approval of a recovery residence shall be made by staff and be issued no later than within sixty (60) days after receipt of the completed application. If a final determination is not issued within sixty (60) days after receipt of the completed application, the request is deemed approved, unless the applicant and the City agree, in writing, to a reasonable extension of time. The final determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

c. Request that are denied can be appealed to the City Commission.

C. Request for reasonable accommodation not involving a recovery residence.

The Board of Planning and Appeals will consider a request for special accommodation and issue a recommendation to the city commission to approve, approve with conditions or deny

the request. The city commission will render the final decision. In considering the request, the Board of Planning and Appeals and the city commission shall consider the following:

(1) The policies and objectives of the city's comprehensive plan including the future land use designation of the property in question.

(2) The permitted uses, conditional uses and special exceptions allowed for the zoning designation of the property in question.

(3) The surrounding neighborhood, including zoning and future land use designations of the surrounding area.

(4) The capacity of existing city utilities and infrastructures to accommodate the requested use.

(5) Existing traffic patterns and traffic problems in the area that currently exists or may become a problem if the requested relief were granted.

(6) Potential for noise, dust or other impacts to the neighborhood.

(7) Ability of the existing dwelling to accommodate the requested variation, including bedrooms, bathrooms, outside parking and existing compliance with current building codes to determine the existence of any life and safety issues.

(8) The existence of any current code violations.

The board of planning and appeals shall review the application and all relevant facts and laws and make a recommendation to the city commission to approve, deny or approve with conditions. The city commission shall make the final determination.

D. Approval:

1. In the event that an accommodation is granted, the applicant shall comply with any and all applicable building and/or engineering permitting processes required by the Code of Ordinances and/or the Land Development Code of the City.

2. A reasonable accommodation is specific to the individual and does not run with the land.

3. A reasonable accommodation does not alter an individual's obligation to comply with other applicable federal, state, county, or City requirements, rules, regulations, or laws.

E. Revocation of reasonable accommodations approval: Any reasonable accommodation approved by the City Commission shall be deemed revoked if the applicant or the property upon which the reasonable accommodation is granted is found, by a court of law or by the special magistrate, to have violated a condition of approval or if the certification or licensure required under Chapter 397, Florida Statutes, for the certified recovery residence lapses, is revoked, or otherwise fails to be maintained, and the certification or licensure is not reinstated within 180 days of the date of lapse, revocation, or other means of expiration.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 4. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 5. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

BACKGROUND & DISCUSSION

Pursuant to Section 163.3191(1), Florida Statutes, at least once every seven (7) years, local governments are required to evaluate and appraise their land use comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan and notify the state land planning agency as to its determination.

On August 29, 2024, the City of Holly Hill notified the state land planning agency, the Florida Department of Commerce (FDC), that the City intended to transmit the appropriate amendments in accordance with Sec. 163.3191(2), Florida Statutes.

City staff completed review of the City of Holly Hill's Comprehensive Plan relative to changes in state law since the adoption of the last Evaluation and Appraisal Report comprehensive plan amendments. The proposed amendment was transmitted the Florida Department of Commerce.

After review of the City's proposed amendment, the Florida Department of Commerce sent a letter dated December 19, 2025 **(EXHIBIT A)** with regard to the proposed comprehensive plan amendment (Amendment No. 25-01ER).

The letter states that the proposed amendment was rendered null and void by the Florida Department of Commerce due to perceived conflicts between the application of Chapter 2025-190, Section 28, Laws of Florida, (SB 180) and the proposed amendment. Basically, the letter stated that certain policies are either more restrictive or burdensome, or potentially more restrictive or burdensome, than the City's current adopted plan.

The letter cited the following policies:
FLU Element Policy **1.1.2**
Transportation Element Transportation Circulation Maps 2025 and 2025 – Roadway Levels Service
Transportation Circulation Element Policies **1.1.6** and **1.9.7** and **1.11.1** and **1.11.5**

Staff addressed each of the Department's concerns and submitted the letter attached as **EXHIBIT B** to the Department of Commerce on January 22, 2026.

All changes to the Comprehensive Plan are highlighted in the Summary of Changes attached as **EXHIBIT C**, including those made in response to the letter dated December 19, 2025, from the Department of Commerce. Additional explanation regarding Policy 1.9.7 is attached as **EXHIBIT D.**

Because the original submittal of the proposed amendment was rendered null and void by the Department of Commerce, the few policies found to be in conflict cannot simply be revised, and the approval process resume. The process must start over, from the beginning.

Therefore, the revised proposed amendment has been advertised and was presented at a public meeting to the Board of Planning and Appeals (BOPA) on April 6, 2026. The BOPA unanimously recommended transmittal of the revised amendment to the Department of Commerce.

STAFF RECOMMENDATION: Staff recommends the City Commission authorize transmittal of the proposed updated 2050 Holly Hill Large Scale Comprehensive Plan EAR Amendment as presented.

ORDINANCE NO. 3092

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES; ADOPTING COMPREHENSIVE PLAN 2050, INCLUDING AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, UTILITIES ELEMENT, COASTAL MANAGEMENT AND CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, PUBLIC SCHOOLS FACILITIES ELEMENT, AND ALL ASSOCIATED MAPS AND FIGURES; PROVIDING FOR THE TRANSMITTAL OF AMENDMENTS TO THE STATE REVIEWING AGENCIES, THE VOLUSIA GROWTH MANAGEMENT COMMISSION, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A COPY; PROVIDING PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted the *City of Holly Hill Comprehensive Plan ("Comprehensive Plan")* in accordance with applicable law, now known as the Growth Policy Act (Chapter 163, Part II, *Florida Statutes),* which *Comprehensive Plan* has been subsequently amended; and

WHEREAS, Section 163.3191, *Florida Statutes*, requires local governments to evaluate their Comprehensive Plans periodically to determine if plans amendments are necessary; and

WHEREAS, on August 29, 2024, the Community Development Director provided a letter to the Department of Commerce confirming that the City would perform a review of the *Comprehensive Plan* and necessary amendments as part of an Evaluation and Appraisal Report of each of the *Comprehensive Plan* elements; and

WHEREAS, the proposed amendments to the *Comprehensive Plan* have been

reviewed by the Board of Planning and Appeals and the City Commission via public workshop and public meetings; and

WHEREAS, the proposed amendments to the *Comprehensive Plan* are being submitted under the state coordinated review process as provided in Section 163.3184(4), *Florida Statutes*; and

WHEREAS, on April 6, 2026, the Board of Planning and Appeals serving as the local Land Planning Agency, conducted a public meeting with due public notice on the *Comprehensive Plan* amendments, and recommended approval thereof; and

WHEREAS, on April 14, 2026, the City Commission has duly conducted a public hearing authorizing transmittal of the requested *Comprehensive Plan* amendments, as described in Section 163.3184(4) and (11), *Florida Statutes;* and

WHEREAS, the City Commission finds that approval of the *Comprehensive Plan* amendments will preserve the internal consistency of the City's *Comprehensive Plan* pursuant to Section 163.3177, *Florida Statutes*; and

WHEREAS, the *Comprehensive Plan* amendments are attached to this Ordinance as Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, for the purposes of this Ordinance, <u>underlined</u> type constitutes additions to the original text and ~~strikethrough~~ shall constitute deletions to the original text; now therefore,

BE IT ENACTED BY THE CITY OF HOLLY HILL, FLORIDA, THAT:

SECTION ONE. The foregoing recitals are incorporated herein by reference as the legislative findings of the Holly Hill City Commission.

SECTION TWO. The *City of Holly Hill Comprehensive Plan*, is hereby amended

with the text, figures, and map amendments to the Future Land Use Element, Transportation Element, Utilities Element, Coastal Management and Conservation Element, Housing Element, Recreation and Open Space Element, Capital Improvements Element, Intergovernmental Coordination Element, Public School Facilities Element, as set forth in Exhibit "A."

SECTION THREE. In order to make the *City of Holly Hill Comprehensive Plan 2050*, available to the public, a copy of the enacting Ordinance, and *City of Holly Hill Comprehensive Plan 2050*, shall be located in the Community Development Department of the City of Holly Hill. The Community Development Director shall also make copies available to the public for a reasonable reproduction charge.

SECTION FOUR. The City Manager is hereby authorized and directed to transmit the appropriate number of copies of the notice and amendment within ten (10) days after the first reading of this Ordinance to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3184, *Florida Statutes,* and Volusia Growth Management Commission rules per Section 202.3 of the Charter of Volusia County.

SECTION FIVE. Pursuant to Section 163.3184(4), *Florida Statutes,* the second reading of this *Comprehensive Plan* amendment shall not exceed 180 days after the receipt of the state land planning agency's report.

SECTION SIX. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SEVEN. In the event any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not be deemed to affect the validity of this Ordinance as a whole or any other section or

provision thereof.

SECTION EIGHT. The effective date of this plan amendment, if the amendment is not timely challenged, shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, this amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED UPON at the first reading of the City Commission, this 14th day of April, 2026.

ADOPTED UPON at the second and final reading of the City Commission, this _____ day of _____, 2026.

December 19, 2025

The Honorable John Penny
Mayor, City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, Florida 32117

Dear Mayor Penny,

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for the City of Holly Hill (Amendment No. 25-01ER), which was received on October 21, 2025. FloridaCommerce received the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.).

FloridaCommerce has identified a conflict with the application of Chapter 2025-190, Section 28, Laws of Florida (L.O.F.), and the proposed comprehensive plan amendment. These conflicts render the proposed comprehensive plan amendment null and void ab initio pursuant to Chapter 2025-190, Section 28, L.O.F.
Chapter 2025-190 provides:

> Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land redevelopment regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, an any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

For the reasons outlined herein, the City of Holly Hill's proposed amendment is more restrictive or burdensome, making it null and void ab initio, pursuant to Section 28 of Chapter 2025-190, L.O.F.

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Chapter 2025-190, Section 28, Laws of Florida (L.O.F.), to provide:

> Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land redevelopment regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, an any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

The City of Holly Hill's proposed Amendment 25-01ER makes changes related to the following policy and maps in the Comprehensive Plan that are more restrictive or burdensome and another policy that is potentially more restrictive or burdensome than the City's currently adopted Comprehensive Plan. The following policy and maps are more restrictive or burdensome: Future Land Use Element Policy 1.1.2., Transportation Element Transportation Circulation Maps 2025 and 2050 – Roadway Levels of Service. The following policies are potentially more restrictive or burdensome: Transportation Circulation Element Policies 1.1.6, 1.9.7, 1.11.1, and 1.11.5.

If you have any questions concerning this review, please contact James Stansbury by telephone at (850) 717-8512 or by email at James.Stansbury@Commerce.fl.gov.

Sincerely,

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

JDS/jc

cc: Brian Walker, Community Development Director, City of Holly Hill
Tara McCue, AICP, Executive Director, East Central Florida Regional Planning Council

HOLLY HILL
FLORIDA

Building, Zoning, Licensing & Inspections
386-248-9442
Fax 386-248-9498

City Clerk
386-248-9441
Fax 386-248-9448

City Manager
386-248-9425
Fax 386-248-9448

Community Services
386-248-9435
Fax 386-248-9448

Economic Development
386-248-9444
Fax 386-248-9448

Finance
386-248-9427
Fax 386-248-9497

Human Resources
386-248-9440
Fax 386-248-9448

Information Technology
386-248-9459
Fax 386-248-9448

Public Works
386-248-9463
Fax 386-248-9499

Utility Billing
386-248-9432
Fax 386-248-9458

Mayor & City Commission
386-248-9441
Fax 386-248-9448

James D. Stansbury, Chief
Bureau of Community Planning and Growth
Caldwell Building
107 E. Madison Street
Tallahassee, FL 32399

Mr. Stansbury, January 22, 2026

The city is in receipt of your letter dated 12/19/25 with regard to Florida Commerce's review of our proposed comprehensive plan amendment (Amendment No. 25-01ER).

The proposed amendment was rendered null and void due to a conflict between the application of Chapter 2025-190, Section 28, Laws of Florida, and the proposed amendment.

The letter states that certain policies are either more restrictive or burdensome, or potentially more restrictive or burdensome, than the City's current adopted plan. The letter cited the following policies:

1. FLU Element Policy **1.1.2**
2. Transportation Element Transportation Circulation Maps 2025 and 2025 – Roadway Levels Service
3. Transportation Circulation Element Policies **1.1.6** and **1.9.7** and **1.11.1** and **1.11.5**

After a very helpful (and appreciated) phone conversation with you and your staff, the City has addressed each issue and is requesting a review by your staff to get feedback on the proposed changes. We would like to be aware of any potential issues prior to taking the amendment back to our legislative body. It is hoped that these changes have eliminated any conflicts, thus enabling Florida Commerce to approve our proposed amendment.

Each issue has been addressed as follows:

FLU Element Policy 1.1.2 – the density has been increased from 15 dwelling units per acre back to the original 20 dwelling units per acre.

~~Mixed Use-2~~ GENERAL MIXED USE: This category allows the following types of land use either singularly or in combination: public, civic, neighborhood commercial, general commercial, office, multi-family residential, limited single-family use as an adjunct to a business use, and lodging. Execution of a Development Agreement with the City will be required whenever a project involves a combination of such uses. ~~Mixed Use-2~~ General Mixed Use ~~would~~ encourages a mix of medium/high density residential development with on-site office and supporting ~~retail~~ commercial uses. The base residential density **20 units** /acre, but performance standard bonuses would allow a density of up to 35 units/acre for innovative and high-quality design. The density bonuses would be considered for proposals meeting the following conditions: parcel aggregation, enhanced landscaping along public r/w, increased pervious surface, public access to internal plazas/open spaces, a minimum of 3 stories and 3 uses, rehabilitation or replacement of dilapidated structures, use of innovative imagery/architectural guidelines, and retention/creation of business/employment. Maximum intensity for commercial uses including office shall not exceed an F.A.R. of 0.5.

The Transportation Circulation Maps 2025 and 2050 – As discussed, the Roadway Levels Service maps have each had the word "**Projected**" added to their title to make clear that the levels of service are **not** being adopted. Also, the 2025 Map has been updated to 2026 **(Maps Attached).**

Policy 1.1.6 - this proposed policy has been removed in its entirety.

~~**Policy 1.1.6** – The City will analyze the pros and cons of designating the entire City as a Transportation Concurrency Exception Area (TCEA) and further explore ways to facilitate urban infill and redevelopment by providing and implementing strategies for mobility, urban design, mixed uses, and network connectivity.~~

Policy 1.9.7

~~**Policy 1.9.7 - All building setbacks shall be measured from the centerline of the existing right(s)-of-way line.**~~

This policy remains eliminated in the proposed amendment for two reasons:

1. The setback line has never been determined from the centerline of the existing right of way line. This has never been the standard relied upon for determining setbacks.
2. The standard that has always been relied upon for measuring a setback in the City of Holly Hill has been to measure it from the property/lot line. The purpose of the setback is to create an open space in which no structure can be placed. Chapter 78-14 of our Land Development Regulations defines this space as the "Yard" or "Required Yard."

"***Yard*** means that minimum area of land required by this subpart, **within which no structure or portion thereof shall be erected from the ground up...** The term "yard" is synonymous with the term "required yard."

Sec. 114-765. Schedule of Dimensional Requirements (attached) shows what the required yard is for each zoning district. That the required yard is determined by a measurement taken from **the lot line** is shown in Chapter 78-14 of our Land Development Regulations which defines each yard type (i.e.: front, rear and side yard). From the definitions it is clear that the intent is for setbacks to be measured from the **lot line** and not the centerline of the existing ROW.

"Yard, front means a yard extending across the front of a lot. It is bounded on the front by the front lot line, on the side by the side lot lines, and on the rear by a line parallel to **and located the minimum distance from the front lot line** permitted by the applicable classification."

"Yard, rear means a yard extending across the rear of a lot. It is bounded on the rear by the rear lot line, on the side by the side lot lines, and on the front by a line parallel to **and located the minimum distance from the rear lot line** permitted by the applicable classification."

"Yard, side means a yard between the side lot line and a line parallel to **and located the minimum distance from the side lot line** permitted by the applicable classification."

Therefore, the required yard is the open space between the lot line and the structure as created by the required setback.

The fact that it was never the intent that setbacks be measured from the centerline of the existing right-of-way is further obvious when we take into account that applying this standard would place many structures in the roadway itself.

For example, some zoning districts allow a 0 (zero) setback. In such a case, if setbacks were determined as being from the centerline of the existing right-of-way, the structure would be in the middle of the road.

Another example is that the R-3 zoning district in Holly Hill requires a front setback of 25 feet. This district is also along a ROW named 8th Street, that is 60 feet. So, a setback of 25 feet as measured from the centerline of the 8th Street ROW would leave the structure 5 feet in the public right-of-way. This was clearly not the intent, and it is believed that the current policy stating that setbacks are measured from the centerline of the existing right-of-way was an error.

Chapter 78-14 and Sec. 114-765 of The Land Development Regulations of Holly Hill show that setbacks are measured from the property/lot line.

Policy 1.11.1 - this policy has been removed in its entirety.

~~**Policy 1.11.1** - The City shall continue to support basic transit citywide for development consistent with the Future Land Use Map and located on non-congested roadways throughout the City. For roadways that are currently congested or projected to be congested in 2020 2035, the strategy shall incorporate a higher level of measures designed to reduce vehicular motor trips (VMT's).~~

Policy 1.11.5 - this policy has been removed in its entirety.

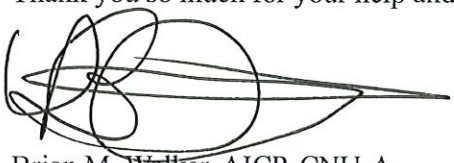
~~**Policy 1.11.5** - The multi-modal strategy shall be triggered where required approvals for future land use plan amendments or development of land are located on roadway corridors currently congested or projected to be congested in 2020 2035.~~

Additionally:

1. On the FLU Map, Mixed Use has been updated to reflect that Mixed Use 2 and Mixed Use 3 have been consolidated into one category called **General Mixed Use**.
2. All references and data related to the year 2025 have been updated to 2026 since the amendment was not accepted in 2025.

It would be very much appreciated if these changes could be reviewed and an opinion rendered as to whether or not they satisfy the Bureau's concerns as stated in the letter dated December 19, 2025 (attached). We would like to have some idea that we are headed in the right direction prior to taking the EAR back to our legislative body.

Thank you so much for your help and time with this issue.



Brian M. Walker, AICP, CNU-A
Community Development Director

EXHIBIT B
SUMMARY OF CHANGES

Overall – The comprehensive plan planning horizon has been extended to the year 2050

Holly Hill Comprehensive Plan 2050

1. Chapter 1-Future Land Use Element: (a) Minor text amendments, including, but not limited to, references to the new planning horizon, eliminating outdated language and code references, minor updates to language and terms, (b) Policy 1.1.2: Future Land Use categories have been updated to provide more detail about what is permitted in each category, Floor Area Ratios have been added to residential designations that allow business uses by special exception. Mixed Use 2 and Mixed Use 3 have been consolidated into one category called General Mixed Use and **in response to the letter from Florida Commerce dated 12/19/25, the permitted base density has been increased from 15 du/acre to 20 du/acre.** (c) Objective 1.4 and related policies regarding the preservation of Hardwood Hammock vegetation on city owned property and properties of 10 acres or more have been eliminated, (d) In Policy 2.1.1, the specific reference to developing in accordance with the Concurrency Management System has been eliminated, (e) Policies 3.2.5, 3.2.6, 3.2.7, 3.2.8, concerning historic landmarks and preservation have been eliminated, (f) The inventory of existing land uses has been eliminated since that information is provided in updated charts, (g) all maps and charts have been updated and moved to a section called Additional Information. On the Flu Map, Mixed Use 2 and 3 have been removed and it now shows the General Mixed Use category.

2. Chapter 2 – Transportation Circulation Element: (a) Minor updates to terms and dates as well as a new page describing the purpose of the Transportation Element has been added. (b) Policy 1.1.4 regarding coordinating with the Volusia Flagler Transportation Organization and the City of Ormond Beach to designate Riverside Drive as a "Constrained Facility" has been eliminated.

(c) In response to the letter from Florida Commerce dated 12/19/25, the following have been updated:

- *The <u>proposed</u> Policy 1.1.6 regarding analyzing the pros and cons of designating the city as a Transportation Exemption Concurrency Area has been removed.*
- *Policy 1.9.7 requiring that all building setbacks be measured from the centerline of the existing right-of-way line remains eliminated. The Land Development Regulations make clear that setbacks are measured from the property line. Measuring setbacks from the centerline of the existing right-of-way line has never been the standard relied upon for determining setbacks and it is believed that this policy was an error. See EXHIBIT C for further information.*
- *Part of Policy 1.11.1 has been eliminated*
- *All of Policy 1.11.5 has been eliminated.*
- *The Transportation Circulation Map Roadway Levels of Service Maps for 2036 and 2050 have each had the word "Projected" added in their title to make clear that the levels of service are not being adopted but are in fact only projections.*

(d) all maps and charts have been updated and moved to a section called Additional Information.

3. Chapter 3 – Housing Element: (a) Minor updates to terms, (b) New pages have been added describing the purpose of the Housing Element. An analysis of the city's housing stock has also been added. (c) Policy 1.1.6 has been added regarding identifying historically significant housing and other housing for purposes of conservation, replacement, rehabilitation and adaptive reuse has been added. (d) Objective 1.2 has new language added. (e) Policy 1.2.1 regarding identifying substandard housing along with housing that may be in need of structural and aesthetic improvements has been added. (f) Policy 1.2.2 has had some wording eliminated.

4. Chapter 4 – Utilities Element - (a) New pages have been added describing the purpose of the Utilities Element. (b) Minor updates to dates and terms. (c) Objective 1.2 under the Solid Waste Sub-Element has been updated. (d) Water & Wastewater Flow projections have been added. (e) Well Fields & Waterline line diagrams has been added. (f) Water and wastewater flow projections have been added to the section called Additional Information.

5. Chapter 5 – Coastal Management & Conservation - (a) Small updates to text, (b) New pages have been added describing the purpose of the Coastal Management/ Conservation Element. (c) Policy 1.4.1 has been eliminated. (d) Objective 1.8 has been reworded. (e) all maps and charts have been updated and moved to a section called Additional Information.

6. Chapter 6 - Recreation and Open Space – (a) Minor updates to text, terms and dates, (b) New pages have been added describing the purpose of the Recreation and Open Space Element are added. Also, an analysis of the city's parks has been added. (c) Policy 1.2.2 regarding continued maintenance of existing park and recreation facilities has been added. (d) Policies 1.6.3, 1.6.4 and 1.6.5 have had portions removed. (e) Policy 1.7.2 has been removed. (f) The Save Our Rivers Programs has been removed from 2.1.1 because it is a state-funded initiative that uses the Water Management Lands Trust Fund to acquire environmentally sensitive lands for water resource management and protection which is not something that the city is likely to participate in.

7. Chapter 7 – Intergovernmental Coordination Element – (a) Minor updates to terms. (b) New pages have been added providing information regarding the purpose of the Intergovernmental Coordination Element. (c) Policy 1.1.5 has been eliminated because the VCOG no longer exist and the city now encourages the efforts of the Volusia Flagler Transportation Planning Organization. (d) Policy 1.2.2 has had wording added. (e) Policy 1.2.3 has been eliminated. (f) Policy 2.1.5 has been eliminated.

8. Chapter 8 – Capital Improvements Element - (a) Minor updates to terms and new pages have been added providing information as to the purpose of the Capital Improvements Element. (b) Capital Improvements 5 Year Schedule for the city and School have been updated and moved to the section called Additional Information. (c) Policy 1.4.4 has been added. (d) Goal 2 has been eliminated since these items are handled by the School Board.

9. Chapter 9 – Public School Facilities Element - (a) Minor updates to terms. (b) New pages have been added providing information on the purpose of the Public School Facilities Element. (c) Policies 2.1.3 and parts of 2.1.4 have been eliminated. (d) An Elementary School Concurrency Service Area map has been added to the section called Additional Information.

10. Chapter 10 – Property Rights Element – (a) No Changes.

EXHIBIT C

Transportation Element Policy 1.9.7

~~**Policy 1.9.7 - All building setbacks shall be measured from the centerline of the existing right(s)-of-way line.**~~

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The fact that it was never the intent that setbacks be measured from the centerline of the existing right-of-way is further obvious when we take into account that applying this standard would place many structures in the roadway itself.

For example, some zoning districts allow a 0 (zero) setback. In such a case, if setbacks were determined as being from the centerline of the existing right-of-way, the structure would be in the middle of the road.

Another example is that the R-3 zoning district in Holly Hill requires a front setback of 25 feet. This district is also along a ROW named 8th Street, that is 60 feet. So, a setback of 25 feet as measured from the centerline of the 8th Street ROW would leave the structure 5 feet in the public right-of-way. This was clearly not the intent, and it is believed that the current policy stating that setbacks are measured from the centerline of the existing right-of-way was an error.

Chapter 78-14 and Sec. 114-765 of The Land Development Regulations of Holly Hill show that setbacks are measured from the property/lot line.

CITY OF HOLLY HILL



CITY COMMISSION	PLANNING AND APPEALS
Roland Via, Mayor	Michael Myer, Chair
John Penny – District 1	Phillip Wiggins, Vice Chair
Rick Glass – District 2	Christopher P. Kiley
Mark Reed – District 3	J.D. Millette
Elisabeth Towesly – District 4	John Sterling

ADMINISTRATION
Dr. Oel Wingo, City Manager

COMMUNITY DEVELOPMENT DEPARTMENT
Doug Gutierrez, AICP, Community Development Director

OTHER CONTRIBUTORS
Christopher Hurst, Public Works Director
Jackie Maswary, GIS Coordinator
Mark Barker, Chief of Police
Ronald Spencer, Fire Chief
Joseph Levrault, Chief Building Official
Kurt Swartzlander, Finance Director

2010

COMPREHENSIVE PLAN
ADOPTED
September 2010

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CHAPTER 1
FUTURE LAND USE ELEMENT

INTRODUCTION

The Future Land Use Element is considered the key element of a comprehensive plan. It expresses the City's goals, objectives and policies regarding the development and redevelopment of land. Such factors as location, density or intensity and timing of the various types of land use are addressed in these goals, objectives and policies.

The Future Land Use Element establishes the pattern of land uses and location of urban growth for the City of Holly Hill through ~~2025~~ 2050. It identifies locations in the City of Holly Hill where various land uses and intensities of use will be permitted to occur in the future. It establishes and articulates broad policy in keeping with the traditional role of the comprehensive plan as a framework for future development.

The Future Land Use Element reflects previously adopted plans, current development trends, established land uses, and zoning patterns. Upon adoption, the Future Land Use Element sets forth the City's policy regarding future zoning and land use patterns. The major goal of the Future land Use Element is to achieve the highest quality of life for all the residents of the city, its visitors and businesses by managing growth in a manner that is consistent with sound social, economic, fiscal, and environmental principles. This element reflects existing urban service capacities and constraints, and it also establishes locations where future service improvements will follow.

Coordination of the Future Land Use Element with other elements of the Plan is essential to ensure that sewer and water facilities, roads and other services and facilities necessary to support new developments are in place concurrent with the impacts created by those new developments.

Regarding public infrastructure, the areas adjacent to existing public infrastructure will be the primary areas for future infrastructure development. Expansion of existing facilities in a fiscally and environmentally appropriate manner will be the primary objective. The intent is to maximize efficiency of urban services through compact development and utilization of existing development and facilities for planned developments otherwise consistent with the City of Holly Hill Comprehensive Plan.

In addition to encouraging development near existing or planned public facilities, areas that are outside the proposed development areas or contain environmentally sensitive or historical attributes will receive special attention to ensure proper management of the City's natural and historic resources.

The Future Land Use Element contains all the material required by Section 163.3177(6)(a), (F.S.) ~~and Section 9J-5.006, Florida Administrative Code (F.A.C.)~~ which establish the minimum requirements for the content of the Future Land Use Element. The adopted components of the Future Land Use Element include the Goals, Objectives and Policies and the Future Land Use Map ~~presented as Map I-1.~~

PLANNING GUIDELINES

The preparation of this Future Land Use Element was directed by the following planning guidelines:

A. Develop and maintain an urban form that gives the community a sense of identity and uniqueness;

B. Develop and maintain the city as an attractive, comfortable and safe place to live;

C. Ensure that residents of the city will have an opportunity to earn a reasonable income;

D. Protect, enhance and conserve the area's natural resources for the beneficial use by present and future residents;

E. Promote a broad range of recreational, employment and social activity choices for all residents;

F. Provide a high quality level of public services for all residents at a minimum cost;

G. Promote opportunities for communication and interaction among residents of the community; and

H. Promote the development of the city as a vital and integral element of the region.

THE FUTURE LAND USE PLAN

This section of the Future Land Use Element presents the specific objectives and policies of the city relative to the type, intensity, pattern and timing of future land use and development. A key component of this Future Land Use Plan is the Future Land Use Map ~~Figure II-6, located at the end of this chapter,~~ which graphically depicts the objectives and policies that cannot be clearly stated in the text. The text and the map should be taken together as a whole when evaluating the appropriateness of any land use proposal or regulation.

General Guidelines and Principles - ~~The following general guidelines and principles serve as the basis for relating the findings of the Inventory and Analysis to the written objectives and policies, as well as the Future Land Use Map.~~ The following guidelines and principles should not be enforced as objectives and policies of the city, but should be reviewed as necessary to evaluate the reasonableness or appropriateness of the city's adopted objectives and policies.

1. *Concentration of Industrial and Commercial Development along a North-South Corridor formed by the Florida East Coast Railway and U.S. Highway 1.*

   Industrial and commercial uses have been concentrated along ~~the longitudinal axes following~~ the FEC Railway and U.S. 1. The industrial concentrations have been located along the railroad using existing industrial development as a base. An attempt has been made, whenever possible, to buffer the industrial area from existing and proposed residential areas. A canal running from 11th Street (aka LPGA Blvd) to the south City limits has been used as a major buffer ~~as has been a proposed service road north of 11th Street~~. Elsewhere, a graduation of heavy to light industrial use has been indicated to reduce the conflict between industrial and other land uses.

   Along U.S. 1 commercial uses reflecting existing development dominate the land use pattern. Some residential uses in the form of mobile homes and apartments do interrupt this pattern. Some recreational and civic uses are also found here. Though much of the

commercial development is retail or auto related, the commercial area along U.S. 1 from Flomich Street to the north City limit is generally retail and professional offices.

2. *The Encouragement and Retention of the Residential Character Along the West Side of Riverside Drive from Third Street North to the City Limits.*

   Riverside Drive from ~~Third~~ 3rd Street to the north City limit line is a narrow, two-lane roadway with limited traffic carrying capacity. The adjoining area is, with one minor exception, residential in character. Homes along this drive occupy some of the largest "estate type" lots in the city; and several of the houses date from the turn of the century. The exception to this low-density residential character is the city's "first shopping center" built in the mid 1930's across from what is now Sunrise Park. While the existing shopping center should be allowed to remain and prosper, no expansion of that area and no new commercial areas should be allowed in this segment of Riverside Drive.

3. *Redevelopment is crucial to arresting further deterioration and allowing the city to achieve its potential.*

   The City Commission recognizes the importance of redevelopment and has adopted a long-term redevelopment strategy to accomplish this purpose. A key component of this strategy is the ~~formation of public-private partnerships~~ creation of a community redevelopment area to direct and coordinate the expenditure of public and private investment.

   Redevelopment efforts will be focused in a defined geographic area – the designated community redevelopment area – and will address problems of obsolete and dysfunctional lot layouts, vacant and underutilized properties, inadequate sidewalks and other public infrastructure, drainage, aesthetics, and market position.

GOALS, OBJECTIVES AND POLICIES - FUTURE LAND USE ELEMENT

GOAL 1 - THE GROWTH AND DEVELOPMENT OF HOLLY HILL SHALL BE MANAGED CONSISTENT WITH THE NEED TO PROMOTE ECONOMIC BENEFIT AND THE ENJOYMENT OF NATURAL AND MAN-MADE RESOURCES BY THE CITIZENRY, WHILE MINIMIZING THE HAZARDS AND NUISANCES OF INCOMPATIBLE LAND USES, OVERCROWDING, AND DEGRADATION OF THE ENVIRONMENT.

Objective 1.1 - No use or development of land shall occur in Holly Hill except in conformance with the adopted Future Land Use Plan.

Policy 1.1.1 - The City's zoning and subdivision regulations and other land use and development regulations shall be utilized as a means of ensuring conformance with the Future Land Use Plan.

Policy 1.1.2 - The density or intensity of development permitted in each of the land use categories indicated on the city's Future Land Use Map shall be consistent with the following standards:

- ~~Low density residential development the number of dwelling units shall not exceed 6 per net acre (exclusive of streets, utility and drainage rights-of-way and other non-residential land areas).~~
  LOW-DENSITY RESIDENTIAL (LDR) - This designation is characterized by detached single-family dwelling units (site built or modular) and both agricultural and conservation land uses. A maximum density of 6 dwelling units per net acre shall be permitted. Net acreage is gross acreage exclusive of streets, utility and drainage easements or rights-of-way, and stormwater management systems such as retention ponds, and existing bodies of water.)

  Maximum Floor Area Ratio for permitted institutional uses: 0.25

- ~~Low-medium density residential development the number of dwelling units shall not be more than 10 per net acre.~~
  LOW-MEDIUM DENSITY RESIDENTIAL (LMDR) – This designation allows detached and attached moderate density housing types. The maximum density for this land use category shall be 10 dwelling units per net acre.

  Maximum Floor Area Ratio for permitted institutional uses: 0.35

- ~~Medium density residential development - the number of dwelling units shall be more than 6 but fewer than 20 per net acre.~~
  MEDIUM-DENSITY RESIDENTIAL (MDR) – This designation allows detached and attached moderate density housing types. The maximum density for this land use category shall be 20 dwelling units per net acre.

  Maximum Floor Area Ratio for permitted institutional uses: 0.35

  HIGH-DENSITY RESIDENTIAL (HDR) – The HDR designation allows a maximum of (40) units per units/acre - to be applied to existing areas developed

in this density range and to properties with direct access to an arterial or collector roadway. The maximum density may be increased by a factor of fifty (50) percent through Planned Unit Development approval employing a density bonus concept. Minimum parcel size is two (2) acres or a minimum of three (3) acres if developed as a Planned Unit Development (PUD). The density bonus of up to 50% per acre may be allowed for innovative and high-quality design. Density bonuses may be considered for proposals containing the following types of features: parcel aggregation, enhanced landscaping along public right-of-way, reduced impervious surface, on-site recreational amenities/open space, and use of innovative imagery and architectural guidelines.

Mobile Home Park (MHP) ~~s and subdivisions~~ - the number of dwelling units shall not be more than 6 per gross acre.

GENERAL COMMERCIAL (GC) – This designation allows for a variety of commercial uses including neighborhood and community shopping centers, convenience stores, retail sales, offices, restaurants, and other commercial services. This land use should be located at the intersections of major roadways and along major roadways as infill development where this use is established. The maximum intensity permitted in this designation is a floor area ratio of 1.95 except for properties fronting Ridgewood Avenue where a ratio of 4.55 may be permitted. To encourage mixed-use development, commercial and office development within the General Commercial land use category, this designation may also include a multi-family styled residential component on parcels of land 2 acres or more. The residential portion of the development shall not be the primary use. The following incentives may be allowed in negotiating the development agreement for any mixed office/residential project: reduction in parking spaces; reduction in road impact fees; and increased building heights. The residential density shall not be less than 20 du/acre or exceed 35 units/acre as part of mixed-use land development. Maximum intensity of commercial and/or office shall not exceed F.A.R. 0.5. Residential uses shall not exceed 50% of the site area. Execution of a Development Agreement will be required for mixed use projects within the General Commercial land use.

Certain parcels with the General Commercial Development land use shall be restricted to development (commercial use limitation) consisting of mini-warehouse, vehicle/trailer, and outdoor covered storage uses, limited to the traffic generating equivalent of 700 personal storage units and shall only be developed as part of a planned development for a storage unit project encompassing said parcels along with the adjacent parcel on Nova Road currently identified as parcel 42420M000020.

Parcels subject to the commercial use limitation are identified as 424204340220, 424286030260, 424286030250, 424286030240, 424286020060, 424286020070, 424286020050, 424286020040, 424286020030, 424286020011, with the subject parcels and area further legally described and shown in the attachment named "Legal Description of Parcels with Commercial Use Limitation."

Unless said parcels having the commercial use limitation are developed as part of a planned development storage unit project on the Nova Road parcel currently known as 42420M000020, then such parcels shall not be developable until a future land use amendment to the Comprehensive Plan for such parcels is adopted by the City.

- ~~General commercial development - the ratio of building floor area to total site area shall not exceed 1.95 except for properties fronting on Ridgewood Avenue where a ratio of 4.55 may be permitted. (The ratio is calculated by dividing building floor area by site area.)~~

INDUSTRIAL – This designation allows for a variety of heavy commercial and industrial land uses oriented toward manufacturing, vehicle towing and contractor storage yards, and other industrial uses. This land use should be located with direct access to rail systems, collectors, and arterial roadways, and as infill development where this use is established. The maximum intensity permitted in this designation is a floor area ratio of 1.95.

- ~~Industrial development - the ratio of building floor area to total site area shall not exceed 1.95.~~

INSTITUTIONAL – This designation allows for schools, public uses, churches, government facilities, hospitals. The floor area ratio shall not exceed 1.95. This land use category can also include areas of the City which will be used for public utilities such as water and wastewater treatment plants, water tanks, and power stations and transit.

- ~~Schools, churches and institutions - the ratio of building floor area to total site area shall not exceed 1.95.~~

~~Residential based mixed use~~ RESIDENTIAL BASED MIXED USE – this category is established to encourage better integration of residential use and complementary commercial and other non-residential land uses, and to provide property owners with expanded opportunities for redevelopment of blighted and/or underutilized parcels. It provides for the integration of residential, commercial, office, and recreational, uses within a project area. Uses may be mixed vertically in a single building, or horizontally, with uses mixed at ground level throughout the project area on separate legal parcels. Residential densities from 20 dwelling units per acre to 35 dwelling units per acre may be permitted. The City Commission may award residential density bonuses for projects that:

1) Exhibit superior design that encourages pedestrian activity and utilization of on-site commercial uses and amenities; and

2) Are served by transit, and incorporate transit-friendly design features to promote and facilitate transit use; and

3) Consolidate multiple, separately owned parcels under a unified plan of development; and

4) Rehabilitate or replace functionally antiquated or dilapidated structures or incompatible uses; and

5) Provide squares, plazas, courtyards, esplanades, promenades or other improved open space for use by the general public; and
6) Provide enhanced site imagery incorporating special landscaping, fountains, sculptures or other special architectural features. The size of the density bonus shall be determined by the City Commission regarding how well the project satisfies these criteria. The City Commission's determination shall be a quasi-judicial decision made in conjunction with the Commission's review of a Mixed Planned Unit Development (MPUD) Master Development Plan and shall be based on application of the above criteria to the specific and detailed provisions of the Master Development plan. ~~Under no circumstances shall the sum of all bonuses awarded to a project exceed 20 dwelling units per acre.~~ Density bonuses shall not exceed 20 dwelling units an acre.

Commercial and other non-residential development shall be provided at a rate of 15 to 40 square feet gross leasable building floor area for each approved dwelling unit, except that no Residential-Based Mixed Use development shall have less than 5,000 square feet and no more than 100,000 square feet of gross leasable building floor area. At least 75 percent of the total approved gross leasable building floor area shall be reserved for general retail commercial, personal services and professional services in order to provide for some of the frequent needs of the residents of the residential-based mixed use development.

~~Mixed Use-2~~ GENERAL MIXED USE: This category allows the following types of land use either singularly or in combination: public, civic, neighborhood commercial, general commercial, office, multi-family residential, limited single-family use as an adjunct to a business use, and lodging. Execution of a Development Agreement with the City will be required whenever a project involves a combination of such uses. ~~Mixed Use-2~~ General Mixed Use ~~would~~ encourages a mix of medium/high density residential development with on-site office and supporting ~~retail~~ commercial uses. The base residential density is ~~would be~~ 20 units/acre, but performance standard bonuses would allow a density of up to 35 units/acre for innovative and high-quality design. The density bonuses would be considered for proposals meeting the following conditions: parcel aggregation, enhanced landscaping along public r/w, increased pervious surface, public access to internal plazas/open spaces, a minimum of 3 stories and 3 uses, rehabilitation or replacement of dilapidated structures, use of innovative imagery/architectural guidelines, and retention/creation of business/employment. Maximum intensity for commercial uses including office shall not exceed an F.A.R. of 0.5.

- ~~Mixed Use-3: This category allows the following types of land uses either singularly or in combination: public, civic, neighborhood commercial, general commercial, office, multi-family residential, light industrial, limited single-family use as an adjunct to a business use, and lodging. Execution of a Development Agreement with the City will be required whenever a project involves a combination of such uses. Mixed Use-3 would encourage a mix of medium/high density residential development with on-site office and supporting retail uses. The base residential density would be 10 units/acre, but performance standard bonuses would allow a density of up to 15 units/acre for innovative and high quality design.~~

~~The density bonuses would be considered for proposals meeting the following conditions: parcel aggregation, enhanced landscaping along public r/w, increased pervious surface, public access to internal plazas/open spaces, a minimum of 3 stories and 3 uses, rehabilitation or replacement of dilapidated structures, use of innovative imagery/architectural guidelines, and retention/creation of business/employment. "To encourage mixed-use development, commercial and office development within the General Retail Commercial land use category may also include a multi-family styled residential component on parcels of land 2 acres or more. The residential portion of the development shall not be the primary use. The following incentives may be allowed in negotiating the development agreement for any mixed office/residential project: reduction in parking spaces; reduction in road impact fees; and increased building heights. The residential density shall not be less than 20 du/acre or exceed 35 units/acre as part of mixed-use land development. Maximum intensity of commercial and/or office shall not exceed F.A.R. 0.5. Residential uses shall not exceed 50% of the site area.~~

- ~~High Density Residential – Not fewer than twenty (20) but no more than forty (40) units per units/acre – to be applied to existing areas developed in this density range and to properties with direct access to an arterial or collector roadway. The maximum density may be increased by a factor of fifty (50) percent through Planned Unit Development approval employing a density bonus concept. Minimum parcel size is two (2) acre or a minimum of three (3) acres if developed as a Planned Unit Development (PUD).The density bonus of up to 50% per acre may be allowed for innovative and high-quality design. Density bonuses may be considered for proposals containing the following types of features: parcel aggregation, enhanced landscaping along public right-of-way, reduced impervious surface, on-site recreational amenities/open space, and use of innovative imagery and architectural guidelines.~~

Policy 1.1.3 – The ~~following~~ matrix located in the Additional Information section shall serve as the basis for determining consistency between the future land use categories shown on the Future Land Use Map and zoning districts.

Future Land Use Categories	Zoning Districts																						
	CF	R-1	R2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	MXD2	MXD-3	B-1	B-2	B-3	B-4	B-5	B-6	CC-1	I-1	I-2	PUD
Low Density Residential	M	C	C	C	C	C	M	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	M
Low-Medium Density Residential	M	C	C	C	C	C	M	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	M
Medium Density Residential	M	N	N	N	M	N	C	C	C	N	N	N	N	N	N	M	N	N	N	N	N	N	M
High Density Residential	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	C
Mobile Homes	M	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	M
General Commercial	M	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	N	N	M
Wholesale Commercial and Industrial	M	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	M
Churches, Schools & Institutions	M	M	M	M	M	N	M	M	N	N	N	N	M	M	M	M	M	M	M	M	N	N	M
Recreation and Open Space	C	M	M	M	M	M	M	M	M	M	N	N	N	M	M	M	M	M	M	M	M	M	M
Conservation	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	M
Residential-Based Mixed Use	N	N	N	N	N	N	N	N	N	N	M	M	M	N	N	N	N	N	N	N	N	N	C
General Mixed Use II	N	N	N	N	N	N	N	N	N	N	M	CM	M	N	N	N	N	N	N	N	N	N	C
~~Mixed Use III~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~M~~	~~M~~	~~C~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~C~~

Updated & Moved

~~Key: "C" indicates the zoning classification **is compatible** with the future land use category; "M" indicates the zoning classification **may be compatible** under certain circumstances; "N" indicates the zoning classification **is not compatible** with the future land use category.~~

Where PUD Zoning is applied to areas with a Future Land Use designation of "Conservation", the PUD development agreement must assure that such areas will be protected in accordance with Objectives 1.4 and 1.7 of the Future Land Use Element and other applicable objectives and policies of this Plan. Where zoning classifications with higher densities than the maximum allowed by the future land use classification are indicated as "may be compatible", compatibility is based on the approved project density being equal to or less than the maximum density allowed by the future land use classification.

Policy 1.1.4 – Public elementary schools, middle schools and high schools shall be considered essential infrastructure, as necessary as roads, potable water and sanitary sewers for the support of residential development.

Public elementary schools, middle schools and high schools shall be considered in the initial planning for residential development.

Public elementary schools, middle schools and high schools shall be permitted in residential and schools, churches, and institutions land use districts. All other public and private schools, which do not necessarily draw enrollment from the immediately surrounding area, shall be permitted in commercial and schools, churches, and institutions land use districts.

Proposed school sites shall be located away from industrial uses, railroads, aircraft landing strips and similar land uses to avoid noise, odor, dust, and hazards.

~~In order to~~ To minimize potential adverse impacts resulting from traffic and school yard noise, proposed school sites shall be located away from, or shall be buffered from, hospitals, adult communities, nursing homes, and similar uses.

Proposed public school sites shall be centrally located within their intended attendance zones, to the extent possible, and be consistent with walking and bus travel time standards. An exception to this central location policy may be allowed for high schools, because the large land area they require is usually not available at the preferred location.

Proposed school sites shall be sufficiently large to ensure that buildings, ancillary facilities, and future expansions can be located away from flood plains, flood prone areas, wetlands, and other environmentally hazardous areas, and will not interfere with historic or archaeological resources.

Proposed school sites shall be easily accessible without creating or contributing significant hazards for pedestrians, bicyclists, and motorists, and without significantly increasing the volume of traffic on residential neighborhood streets.

Essential public utilities, including potable water, sanitary sewer and stormwater management facilities, shall be available at the site or shall be provided on site at the expense of the School Board.

High schools shall conform to the following location criteria:

1. Principal access shall be directly by way of an arterial road or collector road (access shall not be by way of a local street);
2. The site shall be adjacent to existing or planned sidewalks and bikeways extending a minimum distance from the school site necessary to ensure reasonable student safety. If no sidewalks exist adjacent to the school site, the City shall coordinate with the School Board and/or Volusia County to ensure that the construction of off-site sidewalks will occur prior to the opening of the school.

Elementary schools and middle schools shall conform to the following location criteria:

3. Principal access to elementary school sites shall be directly by way of a collector road or arterial road, or at least two local streets;
4. Elementary and middle school sites shall be adjacent to at least 2 existing or planned sidewalks extending a minimum distance from the school site necessary to ensure reasonable student safety. If no sidewalks exist adjacent to the elementary or middle school site, the City shall coordinate with the School Board and/or Volusia County to ensure that the construction of off-site sidewalks will occur prior to the opening of the school.

To the greatest extent possible, schools shall be collocated with public facilities, such as parks, libraries, and community centers.

Policy 1.1.5 – In considering the rezoning of properties or the approval of site development plans, the City is both authorized and compelled to consider not only whether a particular proposal is consistent with the use and density aspects of the comprehensive plan, but also whether the proposal is consistent with the compatibility and other concerns of the plan. Where a proposed rezoning or site development plan fits within the upper range of uses or densities permissible under

the comprehensive plan, but is inconsistent with the plan's other concerns, the City is authorized to deny a proposal or require a reduction in density or use to achieve consistency with all aspects of the comprehensive plan.

Policy 1.1.6 – The Residential-Based Mixed Use land use classification may be applied only to properties that are 50 percent or more within the City's Community Redevelopment Area.

Policy 1.1.7 – The Residential-Based Mixed Use land use classification may be applied only to properties with frontage on a principal or minor arterial road.

Policy 1.1.8 – No development shall be approved on properties designated as Residential-Based Mixed Use except through City Commission approval of a Mixed Planned Unit Development (MPUD) Master Development Plan that prescribes the proposed types of uses, density and intensity of development, points of ingress and egress and general on-site circulation arrangements for vehicular and pedestrian traffic, maximum building height, minimum project perimeter setbacks, minimum building spacing, general site layout, recreational amenities, and general provisions for potable water and sanitary sewer service and stormwater management. When density bonuses are awarded for particular design characteristics or features to be provided by the developer, then the Master Development Plan shall include appropriate assurances that said design characteristics and/or features will be provided.

Policy 1.1.9 – To the greatest degree feasible and practical, developments on properties designated as Residential-Based Mixed Use shall include: 1) an interconnected network of streets, sidewalks and/or other travel ways designed to encourage walking and bicycling; 2) appropriate densities and intensities of use within walking distance of transit stops; 3) basic services and facilities within walking distance of residences, allowing independence to persons who do not drive; 3) public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

Policy 1.1.10 – On properties designated as Residential-Based Mixed Use, permitted commercial and other non-residential uses may include retail, personal services, professional services, financial services, office, and entertainment and dining establishments. Additional uses which may be considered appropriate if they will directly serve the anticipated needs of the residents of the Residential-Based Mixed Use project include accessory boat docks, group homes, and adult and child day care facilities. The following uses are specifically prohibited: vehicle sales, service, and repair businesses; wholesale commercial activities; warehousing, storage and distribution facilities; tattoo parlors; labor halls; adult entertainment establishments; blood banks and blood plasma centers; and bars not accessory to a restaurant. Where appropriate, businesses shall be oriented toward the street to encourage and facilitate pedestrian access.

Objective 1.2 - The City shall review and when necessary, revise its land use and development regulations annually to guide and direct development to be consistent

with the Comprehensive Plan and to comply with the requirements of Section 163.3202, F.S.

Policy 1.2.1 - Such regulations shall promote the pattern of land use and development expressed by the City's adopted Future Land Use Map.

Policy 1.2.2 - Such regulations shall be consistent with the density and intensity standards indicated in Policy 1.1.2.

Policy 1.2.3 - Such regulations shall contain appropriate performance standards for:

a) Maintaining adequate buffers and transitions between potentially incompatible land uses; and

b) Preserving open space and protecting trees and other significant vegetation; and

c) Promoting safety and security with appropriate building setbacks, orientation, lighting, and access; and

d) Protecting significant historic and archaeological sites and structures.

e) Protecting public potable water supply wells from contamination.

Policy 1.2.4 - Such regulations shall ensure that the subdivision of land results in lots that are:

a) Adequately sized for the intended use;

b) Safely and conveniently accessible from the public road network;

c) Provided with adequate transportation networks, potable water, sanitary sewer, and stormwater management facilities; and

d) Arranged to minimize potential conflicts with nearby incompatible uses or to promote interaction with nearby compatible uses, if appropriate.

Policy 1.2.5 - In order to minimize land use conflicts, the use of a street, particularly a local street, as a boundary line between residential and commercial or industrial land uses shall be avoided. Whenever possible, a rear property line or physical barrier such as a railroad or canal shall be used as a barrier between such potentially incompatible uses.

Policy 1.2.6 - Access to and traffic circulation within new residential developments shall be arranged to promote social interaction with other residential areas, and to facilitate convenient access to nearby commercial and recreational locations without encouraging commercial traffic to flow through such residential areas.

Policy 1.2.7 - Access to and traffic circulation within new commercial and industrial developments shall be arranged to discourage the flow of commercial traffic through nearby residential developments.

Policy 1.2.8 - Such regulations shall ensure that new and replacement signs shall adhere to the community standard for aesthetics and minimize confusion that results

from visual disarray, while allowing reasonable identification and promotion of businesses.

Policy 1.2.9 - Such regulations shall ensure that new development and redevelopment will provide on-site stormwater management consistent with the objectives and policies of the Drainage Sub-element.

Policy 1.2.10 - Such regulations shall ensure that new development and redevelopment will provide landscaped open space as needed to minimize conflicts between incompatible uses, to prevent overcrowding, to reduce the potential for the spread of fire, to maintain air circulation, and to promote an attractive, open community appearance.

Policy 1.2.11 - Such regulations shall ensure that new development and redevelopment will provide adequate on-site vehicular parking and safe and convenient on-site traffic circulation.

Policy 1.2.12 - The City shall promote superior design for new development and redevelopment, and the inclusion of special amenities through the use of innovative development techniques which may include planned-unit development, mixed use development, cluster development, transfer of development rights, and density and intensity bonuses.

Policy 1.2.13 – Such regulations shall allow public and quasi-public facilities, including private and public schools, churches, nursing homes, adult congregate living facilities, public service and safety facilities, day care centers, parks and recreation facilities, and similar uses, in areas designated on the Future Land Use Map for residential development, when those public and quasi-public uses will directly support nearby residents. However, such public and quasi-public facilities shall be permitted in residential areas only with appropriate limitations to prevent their over concentration and to minimize land use conflicts.

Policy 1.2.14 – New development projects shall include buffers along all project boundaries between incompatible land uses. In particular, the City shall maintain and enforce land development regulations that provide buffers between: 1) single family residential development and multi-family residential development; 2) commercial development and residential development; and industrial development and residential development. Such buffers shall be adequate to maintain interference between incompatible uses within reasonably tolerable levels, and shall include a landscaped area, a visual screen and a building setback.

Policy 1.2.15 – The City shall enact and enforce zoning and other land development regulations in such a way as to provide transitional uses between areas of widely disparate land use density or intensity.

Policy 1.2.16 – The City shall require that the water supply production facilities and C.U.P. capacity is available for new site plans and/or subdivision developments, prior to the issuance of development orders.

Policy 1.2.17 – Properties that are annexed into the City of Holly Hill shall be assigned a similar land use that existed in Volusia County. Property owners may apply for more intensive land uses, but shall be required to provide the data and analysis to justify the increase in density and/or intensity.

Policy 1.2.18 – The City shall maintain architectural standards for the new development and redevelopment of existing buildings in the CRA overlay district.

Policy 1.2.19 –Innovative land development regulations which may include planned developments, mixed use land use development techniques, form based regulations and redevelopment plans for the Community Redevelopment Area, shall be encouraged where appropriate.

Policy 1.2.20 - The City will encourage the elimination and inconsistent non-conforming uses through its Land Development Regulations. Uses inconsistent to the Comprehensive Plan shall be brought into conformance with a change of use or when they have been vacant for six months or longer.

Policy 1.2.21 The City shall continually review existing zoning regulations to incorporate requirements that would help reduce the impact that a highly intensive use would have on a less intensive use.

Objective 1.3 - On lands designated by the Future Land Use Plan for Conservation or Open Space, no new development, nor expansion or replacement of existing development shall be permitted.

Policy 1.3.1 - The City shall review existing Federal, State, and local regulations to determine what Conservation and Open Space designated lands are not already adequately protected.

Policy 1.3.2 - Where additional protection of Conservation and Open Space areas is required, the City shall enact appropriate land development regulations and management techniques to preserve such areas, including "transfer of development rights", cluster development, purchase of development rights, etc.

~~**Objective 1.4** - Preserve intact a minimum of ten percent (10%) of the existing Hardwood Hammock vegetation community within the City limits.~~

~~**Policy 1.4.1** - Encourage developers of 10 acre and larger projects to preserve ten percent (10%) or more of the on-site Hardwood Hammock vegetative community by offering density bonuses, cluster development alternatives and other incentives.~~

~~**Policy 1.4.2** - Preserve Hardwood Hammock vegetation on City-owned properties.~~

Objective 1.5 - Limit development as necessary to maintain the level of service standards adopted as part of the Capital Improvements Element of the City's Comprehensive Plan.

Policy 1.5.1 - The City shall ensure that public facilities and services will be available concurrent with impacts of development, or that development orders and permits are specifically conditioned on the availability of facilities and services necessary to serve the proposed development at the adopted level of service standard.

Policy 1.5.2 - The City shall continue to enforce the adopted "concurrency management program."

Objective 1.6 - Future development and redevelopment activities shall be directed away from areas depicted on the Future Land Use Map as "Conservation", where such activities are not compatible with soils, topography, potential flood hazard and other natural conditions.

Policy 1.6.1 - The City's land development regulations have been revised to restrict or prohibit development and redevelopment activities (including land clearing) in areas depicted on the Future Land Use Map as "Conservation" for reasons of extreme soil wetness or instability, high potential for flooding, high suitability for habitat of threatened or endangered species known to inhabit the area, or other any other reasons.

Objective 1.7 - Residential development densities shall be maintained at a level consistent with the limit determined by the latest Volusia County's hurricane study that can be safely accommodated within the coastal area.

Policy 1.7.1 - The density and extent of residential development, as outlined by the Future Land Use Map, are within the limits determined by Volusia County's Comprehensive Emergency Management Plan that can be safely accommodated in the "Evacuation Area 'C'" for a category 4/5 hurricane. The density and extent of residential development shall not be increased without first determining that the population can be evacuated before the arrival of tropical storm force winds.

Policy 1.7.2. Limit growth of the city's population as necessary to ensure that the population residing within the area designated in Volusia County's Comprehensive Emergency Management Plan as "Evacuation Area 'C'" for a category 4/5 hurricane can be safely evacuated before the arrival of tropical storm force winds (winds >39 mph.)

Objective 1.8 - The City shall ensure the availability of suitable land for utility facilities necessary to support existing and future development as outlined by the Future Land Use Element.

Policy 1.8.1 - The City shall continue to enact land use development regulations which require dedication of adequate land area in new developments for the provision and maintenance of utility facilities needed to serve such developments.

Policy 1.8.2 - The City shall continue to enact land use and development regulations which allow essential utility uses and structures as permitted uses throughout the City. Essential utility uses and structures shall be defined as publicly owned or regulated utility distribution systems for gas, water, sewer, telephone, television, radio or electricity of 230 kilovolts or less including poles, wires, mains, drains, sewers, pipes, conduits, cable towers, and antennas 70 feet or less in height, and other similar equipment and accessories which are necessary for furnishing of service by such public utilities, but not including electric power plants, substations, water tanks, gas transfer stations, and water and sewage treatment plants, buildings, and municipal water supply wells.

Policy 1.8.3 - Upon notification by any public or private utility company of a need for a site for any utility facility intended to provide service to the residents or businesses of Holly Hill, the City shall include consideration of such facility in the Comprehensive Plan.

Objective 1.9 – The City shall promote urban infill development and redevelopment in areas where public facilities and services are available.

Policy 1.9.1 – The City shall promote and encourage infill development on previously bypassed, vacant properties and redevelopment of underutilized properties.

Objective 1.10 - The City shall protect the environmental resources of the Halifax River by regulating boating impacts.

Policy 1.10.1: Based upon data and research contained in the Volusia County Manatee Protection Plan, the City shall not allow more than 595 motorized boat slips to exist along the Halifax River shoreline, including both existing and future slips.

Policy 1.10.2: Single-family residential lots with Halifax River frontage shall be guaranteed their riparian rights to have a maximum of one motorized boat slip per lot.

Policy 1.10.3: The City shall prohibit boating service or storage operations which provide commercial "dry storage" for motorized boats along the Halifax River shoreline.

Policy 1.10.4: Continue to enforce the Volusia County Manatee Protection Plan.

Policy 1.10.5: Future Marina Development shall be consistent with the adopted Volusia County Manatee Protection Plan.

Policy 1.10.6: The City shall actively participate and comply with the monitoring and protection policies of the Volusia County Protection Plan.

GOAL 2 - THE CITY SHALL ENSURE ADEQUATE MANAGEMENT OF FUTURE DEVELOPMENT THROUGH THE CONTINUED REVIEW OF EXISTING REGULATIONS.

Objective 2.1 – Concurrency: The City shall approve development only where it demonstrates that the impacts of such development do not degrade the established level-of-service standards for public facilities and services below acceptable levels.

Policy 2.1.1 - Development orders and permits shall be specifically conditioned on the availability of facilities and services necessary to serve the proposed development. ~~in accordance with the Concurrency Management System.~~

Policy 2.1.2 - Future land use designations, requests for rezoning, and development approval shall be coordinated with the availability of adequate facilities and services including, but not limited to, schools, roads, solid waste collection, stormwater management, fire and police protection, emergency medical services, potable water and sanitary sewer services, parks and recreation, cultural facilities, telephone and electric service, general public administration, and evacuation facilities.

Policy 2.1.3 - Require that water supply, production facilities and C.U.P. capacity is available for new site plan and/or subdivision developments, prior to issuance of development orders.

Objective 2.2 – Future land use designations, requests for rezoning, and development approval shall be in accordance with smart growth principals to foster a sense of community including:

- Creating a range of housing opportunities;
- Creating walkable neighborhoods;
- Encouraging stakeholder collaboration;
- Fostering a sense of place;
- Promoting mixed land uses;
- Preserving open space, and agricultural and environmentally sensitive lands;
- Providing a variety of transportation choices;
- Directing development towards existing public facilities; and
- Promoting compact building design.

Policy 2.2.1 - Encourage development projects to include homes affordable to a diversity of income ranges.

Policy 2.2.2 - Ensure opportunities for meaningful stakeholder participation throughout all stages of planning and policy implementation.

Policy 2.2.3 - Maintain a sense of place by preserving the character of historic ~~districts and~~ areas in the City with a high concentration of locally designated historic properties and cultural resources through preservation, maintenance and rehabilitation of resources to the greatest extent possible.

Policy 2.2.4 - Maintain a sense of community through the landscaping of parks, recreation areas and medians as well as the City's CRA overlay district.

Policy 2.2.5 - Encourage a mix of land uses and expand housing choices by developing areas of infill or underutilized vacant land in the Community Redevelopment Area.

Policy 2.2.6 - Direct future growth away from environmentally sensitive areas.

Policy 2.2.7 - Expand transportation choices by ensuring an efficient network of roads, sidewalks, and bike paths that are safe for pedestrians, bicyclists and vehicular traffic.

Policy 2.2.8 - Promote shared driveway access, shared parking spaces, and coordinated site plan designs to avoid new commercial strip development.

Policy 2.2.9 - Promote environmental protection, reduced natural resource consumption and energy management into the design and construction of buildings.

Objective 2.3 - Promote compact, mixed-use, and energy efficient development arranged to encourage pedestrians, bicycle and transit use, to reduce greenhouse gases (GHGs).

Policy 2.3.1 - The City shall seek opportunities to implement green and sustainable initiatives regarding, but not limited to, carbon footprint reduction, water and conservation and reuse, recycling, waste and energy reduction, reuse of resources, greater operational efficiency, land use and transportation practices, multi-pollutant prevention, and environmental improvements.

Policy 2.3.2 - Develop an Energy Efficiency and Conservation Strategy and an Energy Conservation Master Plan in accordance with the Energy Efficiency and Conservation Block Grant Program to develop City GHGs

emissions baseline data, to set GHG emission goals and develop strategies to reduce greenhouse gases.

Policy 2.3.3 - Promote technology to change and adapt the heating, cooling, insulation, ventilation, and lighting systems of structures to achieve greater energy efficiency.

Policy 2.3.4 - Encourage the maintenance, restoration and adaptive reuse of existing urban areas, including buildings, infrastructure and other assets, to reduce energy use and Vehicle Miles Traveled (VMTs).

Policy 2.3.5 - Encourage integration of passive solar design, green roofs, active solar and other renewable energy sources into development projects through the Land Development Regulations.

Policy 2.3.6 - Encourage urban design strategies that maximize use of renewable, sustainable, active and passive sources of energy design in architecture.

Policy 2.3.7 - Encourage food production for local consumption to reduce VMTs, thereby reducing GHG, by encouraging farmers markets and community gardens.

Policy 2.3.8 - The potential for reducing Vehicle Miles Traveled (VMTs) and GHG emissions shall be considered in all location and investment decisions for public facilities.

Policy 2.3.9 - Promote the redevelopment of brownfield and grey-field sites to reduce VMTs to reduce pressures for greenfield development.

Policy 2.3.10 - Support technology and business practices that enable people to reduce VMTs from home to work, including increased flexibility for home office uses.

Policy 2.3.11 - Provide educational materials regarding energy efficiency, sustainable design, and climate change that encourage community residents and business owners to invest in energy-efficiency improvements through community outreach efforts, such as the City's Website.

Policy 2.3.12 - Encourage design techniques and materials that reduce heat absorption, thereby reducing the heat island effect.

GOAL 3. PROTECTION OF NATURAL AND HISTORIC RESOURCES THE CITY SHALL ENSURE THAT PLANNING AND DEVELOPMENT POLICIES MANAGE, CONSERVE, AND PROTECT THE NATURAL, SCENIC AND HISTORIC RESOURCES AND ENVIRONMENTAL QUALITY OF THE CITY.

Objective 3.1 - To support the protection and enhancement of environmentally sensitive corridors, wildlife habitat, connected wetlands, and natural hydrologic functions throughout Volusia County and the City of Holly Hill

Policy 3.1.1 - To support the protection and enhancement of environmentally sensitive corridors, wildlife habitat, connected wetlands, and natural hydrologic functions throughout Volusia County and the City of Holly Hill, the city adopted the Environmental Core Overlay or "ECO" Map by resolution.

Policy 3.1.2 - The City supports the adopted smart growth goals, objectives and policies of the County's Comprehensive Plan and will actively participate with Volusia County and local jurisdictions in the further development of policies that serve to manage future development that occurs within developable tracts of the adopted ECO Map.

Objective 3.2 - The historical sites and structures identified in the City's historical inventory shall be protected from encroachment by incompatible land use activities.

Policy 3.2.1 - Future development and redevelopment activities in the areas surrounding the historical sites and structures identified in the City's historical inventory shall be maintained as single family development to ensure a reasonable degree of compatibility with those historical sites and structures.

Policy 3.2.2 - The City shall continue to ensure that all historical sites and structures eligible for inclusion on the National Register of Historic Places will be submitted to the U.S. Department of the Interior for inclusion on the Register.

Policy 3.2.3 - Adaptive reuse of historic structures in a manner that will preserve the historic value of such structures shall be given priority over reuse and redevelopment that would reduce their historic value.

Policy 3.2.4 - The City shall continue, with voluntary assistance from historians and archeologists as may be available, to identify significant historic sites and structures.

~~**Policy 3.2.5** - The City shall create historic preservation ordinance that protects historic landmarks by 2011~~

~~**Policy 3.2.6** - The City shall review and amend its Land Development Regulations as necessary to implement the historic preservation ordinance by 2012~~

~~**Policy 3.2.7** - The City shall designate a historic preservation overlay district by 2012.~~

~~**Policy 3.2.8** - The City shall create a Local Landmark List by 2013 and engage the Historical Society to identify and designate historically significant sites and buildings~~

GOAL 4. THE COMMUNITY REDEVELOPMENT AREA (CRA) MASTER PLAN WAS FIRST ADOPTED IN 1996 AND UPDATED IN 2007 AND AGAIN IN 2025. ~~**UPDATE WAS ADOPTED BY THE CITY COMMISSION ON OCTOBER 23, 2007.**~~ THE PLAN REPRESENTS THE CITIZENS' VISION FOR REDEVELOPMENT AND GROWTH. THE VISION ENCOMPASSES THE FOLLOWING THEMES. THE PLAN ADDRESSES A WIDE RANGE OF ISSUES INCLUDING INFILL DEVELOPMENT, RECREATION, LAND DEVELOPMENT REGULATIONS, STREETSCAPE IMPROVEMENTS, AND PUBLIC PARKING. FUTURE DEVELOPMENT, REDEVELOPMENT, AND CITY CAPITAL INVESTMENT IN THE REDEVELOPMENT AREA SHALL BE CONSISTENT WITH THE MASTER PLAN, AS AMENDED.

Objective 4.1. Development and redevelopment regulations. Acknowledging that development and redevelopment in the Community Redevelopment Area is unique based on its location, history, and existing development pattern, the City shall

continue developing regulations that promote development consistent with the recommendations of the adopted Master Plan.

Policy 4.1.1 - The City shall amend the Land Development Regulations to create and maintain a set of urban design standards specific to the redevelopment area that place greater emphasis on elements of building form over specific design style and use, including building bulk, placement of the building relative to the street, and specific components of the building façade.

Policy 4.1.2 - In the Redevelopment Area only, building orientation for vacant sites shall be close to the street with "build to" lines at the front setback line. Main entrances should face the street or the street corner when located along two streets and parking shall be located to the rear of the building.

Policy 4.1.3. New developments which build residential medium or high density infill housing, either as stand-alone or incorporated into mixed use projects are encouraged.

Policy 4.1.4 - The Land Development Regulations shall be amended and maintained to allow urban style signage within the commercial areas of the Community Redevelopment Area stressing wall, canopy, and projecting signs as opposed to pole and ground signage.

Policy 4.1.5 -New Development and redevelopment where the building is substantially removed (>50% of floor area), the building shall be set at the build-to-line. ROW dedication or a private easement for increased sidewalk shall be required. Development may be placed behind the build-to-line if an outdoor café or courtyard is planned.

Objective 4.2. The City shall utilize Tax Increment Financing to develop infrastructure and capital projects to further the Redevelopment Plan.

Policy 4.2.1. The City shall evaluate stormwater needs in the Community Redevelopment Area and implement a program of public retention areas to support intensive redevelopment of existing sites whenever practical.

Policy 4.2.2. Financial assistance programs shall be designed and implemented to further the implementation of the vision expressed in text and renderings contained in the Redevelopment Master Plan .

Policy 4.2.3 - The City shall continually assess and implement a streetscape program along Ridgewood Avenue (US 1) and other major roadways in the Community Redevelopment Area. The streetscape program should include street trees, way-finding signage, and street furniture.

Policy 4.2.4 - The City shall continue to review and improve the public park facilities in the Redevelopment area and provide a full range of recreational opportunities.

Policy 4.2.5 - The City shall utilize a portion of the Tax Increment Financing funds to provide continued maintenance of public streetscape improvements within the Community Redevelopment Area.

Policy 4.2.6. The City shall continue to work with organizations such as, the Chamber of Commerce as well as business and property owners to implement capital projects in Master Plan Update.

Objective 4.3 Promote effective energy management practices in the Community Redevelopment Area.

Policy 4.3.1 Encourage an urban design pattern in redevelopment areas, where appropriate, that will reduce vehicle miles travelled among trip destinations.

Policy 4.3.2. Continue developing new regulations to the land development regulations that will support the development of energy efficient infill and redevelopment of commercial and industrial areas.

GOAL 5. ECONOMIC DEVELOPMENT - TO PROMOTE AND SUPPORT POSITIVE ECONOMIC PROSPERITY BY CONDUCTING STRATEGIC ACTIVITIES DESIGNED TO EXPAND AND DIVERSIFY THE EXISTING ECONOMY AND CREATE ADDITIONAL EMPLOYMENT AND INVESTMENT OPPORTUNITIES.

Objective 5.1. The City shall implement economic development using a number of strategies including a Strategic Economic Development Plan designed to encourage investment in Holly Hill and by being proactive in business retention, expansion, and attraction.

Policy 5.1.1. - The City shall maintain a working relationship with the Holly Hill business community and update economic development assistance programs as necessary.

Policy 5.1.2. - The City shall continually work to expand the Holly Hill non-residential tax base and other revenue sources.

Policy 5.1.3. - The City shall continue economic investment activities that provide financial incentives for business expansion and development that creates livable wage jobs for its residents.

Policy 5.1.4 - The City shall continue to collect, analyze and disseminate relevant economic data and information in order to develop effective programs, projects, and activities to achieve its economic development goals.

Policy 5.1.5 - The City shall coordinate marketing strategies to attract regional, national, and international companies to the City.

Policy 5.1.6 - The City shall identify and recruit industries involved in the "Green" sustainable energy related research, development, and manufacturing industries.

Policy 5.1.7 - The City shall continue to partner with Volusia County and the ~~**Holly Hill**~~ local Chamber of Commerce to promote economic development within Holly Hill.

Policy 5.1.8 - The City shall consider the impacts on neighborhoods and environmental protection as well as job and tax base growth when evaluating proposed development classified as heavy industrial.

Policy 5.1.9 - The City shall see new business location and existing business expansion that are compatible with the City's land use plans and policies.

Objective 5.2 - The City shall ensure a sufficient amount of commercial and light industrial properties available for business recruitment and to work with property owners to redevelop vacant and underutilized properties in Holly Hill.

Policy 5.2.1 - The City shall promote and create financial and other incentives for redevelopment of the community redevelopment and development areas, considering in particular opportunities for adaptive reuse and for small business on infill sites.

Policy 5.2.2 - The City shall assist development to understand and use the Brownfields Redevelopment Program to encourage redevelopment of areas with real and/or perceived environmental contamination.

Policy 5.2.3 - The City shall continue to review and update land development regulations that encourage the redevelopment of areas of the City that have existing infrastructure and are vacant or underutilized.

Objective 5.3 - Planning for Economic Development

Policy 5.3.1 - All City departments shall program funding for the maintenance and expansion of infrastructure necessary for business attraction in all areas of the city.

Policy 5.3.2 - All City development-related departments shall regularly evaluate development review procedures to ensure that they are efficient. Inefficient programs and procedures shall be modified consistent with Smart Growth principles to provide certainty in the process with review and approval at the lowest possible level.

Policy 5.3.3 - The City shall regularly evaluate the demand for land designated for economic activity, and the availability and location of land suited for economic development activities, and opportunities for revitalization and reuse.

~~INVENTORY OF EXISTING LAND USES~~

~~Holly Hill is located on the western shore of the Halifax River in the heart of the Greater Daytona Beach area. It is bounded on the north by the City of Ormond Beach and an urbanized, unincorporated area known generally as the "Calle Grande" area; on the east by the Halifax River; on the south by the City of Daytona Beach; and on the west by the City of Daytona Beach and an urbanized, unincorporated area.~~

~~Residential lands annexed since 1990 accounted for about 26 acres. Commercial and industrial acreage increased by about 68 acres as a result of annexations. About half of the annexed commercial and industrial acreage was already developed at the time of annexation. Conversion of vacant properties to commercial or industrial uses after annexation by the City included about 5 acres.~~

~~Annexations also included the historic Riviera Hotel - about 5 acres, which was recently converted to an assisted living facility for seniors. Redevelopment and expansion of existing development accounted for most commercial and industrial development. This occurred, in part, as a result of the City's efforts to promote redevelopment in the U.S. 1/FEC Railroad corridor.~~

~~Another significant occurrence was the City's approval of a multi-family, "affordable" housing project (Charleston Place) for approximately 225 families which was constructed on the in the northwest quadrant of the City near the intersection of Nova Road (S.R. 5A) and Walker Street.~~

~~The following table (Table II-1) shows the annexations that have occurred since the 1998 EAR in total acreage.~~

FOR MAPS AND CHARTS SEE THE ADDITIONAL INFORMATION SECTION

Table I-1: Annexations since the 1998 EAR*

Year	Acreage
1998	2.948
1999	2.960
2000	2.973
2001	2.977
2002	2.987
2003	2.995
2004	2.998
2005	3.000
2006	3.002
Total Increase in Land Area:	**84.44**

Source: City of Holly Hill Planning Department.
* Annexations are dated from time of ordinance adoption.

Table I-2: Vacant Land Residential Carrying Capacity

Future Land Use	Max Density	Acres	Gross Density (Dwelling Units)	Gross Population
Low Density Residential	6	41.8	251	552
Low/Med Density Residential	10	63.9	639	1,405
Med. Density Residential	20	26.5	530	1,166
High Density Residential	40	0	0	0
Mixed Use	35	6.8	238	523
Mixed Office Residential	20	0	0	0
	Total:	**139**	**1,658**	**3,646**

Source: City of Holly Hill Planning Department, GIS

Table 3 Generalized Existing Land Use 2008

Generalized Land Use Classification	Acres	Percent of Total
Single Family Residential	944.9	31.5%
Multi-Family Residential	227.1	7.6%
Mobile Homes	59.1	2.0%
General Commercial	222.6	7.4%
Heavy Commercial and Industrial	186.3	6.2%
Institutional/Governmental	158.8	5.3%
Recreation and Public Open Space	149.4	5.0%
Utilities	5.19	0.2%
Rights-of-Way, Streets, Ditches, Etc.	476.54	15.9%
Vacant	205.3	6.8%
Not Classified		
Open Water (Halifax River)	367	12.2%
Total	3002.19	100.00%

Source: City of Holly Hill GIS and Volusia County Property Appraiser, 2008

TABLE I-4

CITY OF HOLLY HILL, FLORIDA - SOIL POTENTIAL FOR COMMUNITY DEVELOPMENT

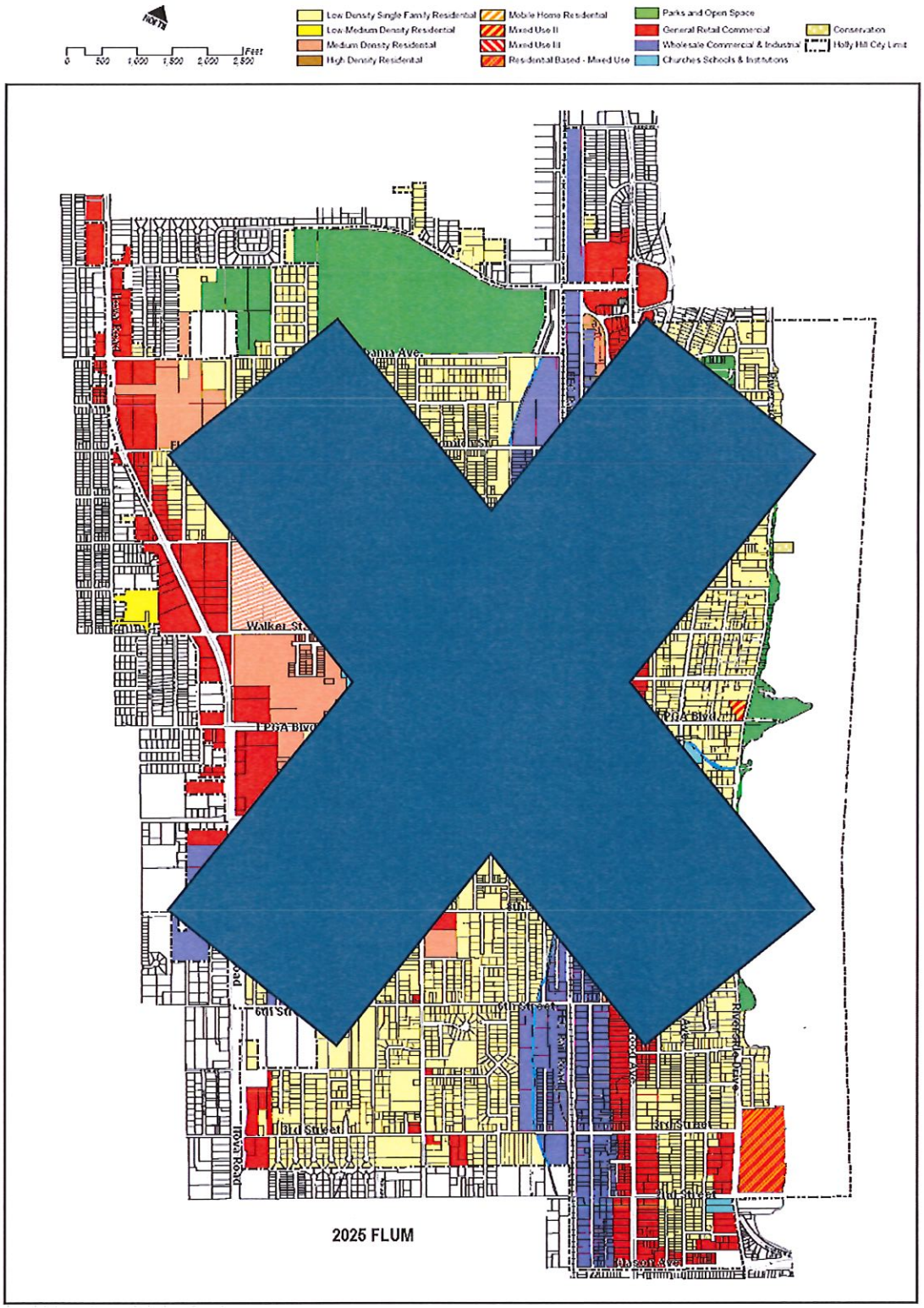
MAP KEY	SOIL TYPE	POTENTIAL
3	Arents	Not Rated
6	Astatula-Urban Land Complex	High
12	Canaveral Sand (0-5%)	Medium
14	Chobee Fine Sandy Loam	Very Low
17	Daytona Sand (0-5%)	High
26	Holopaw Sand	Low
32	Myakka Fine Sand	Low-Medium
33	Myakka Fine Sand Depressional	Very Low
35	Myakka-Urban Land Complex	Not Rated
36	Myakka Variant Fine Sand	Low
37	Orsino Fine Sand (0-5%)	Medium
68	Turnbull Variant Sand	Low
69	Tuscawilla Fine Sand	Medium
70	Tuscawilla-Urban Land Complex	Not Rated
71	Urban Land	Not Rated

Source: Soil Survey of Volusia County, Florida, U.S. Soil Conservation Service, February 1980.

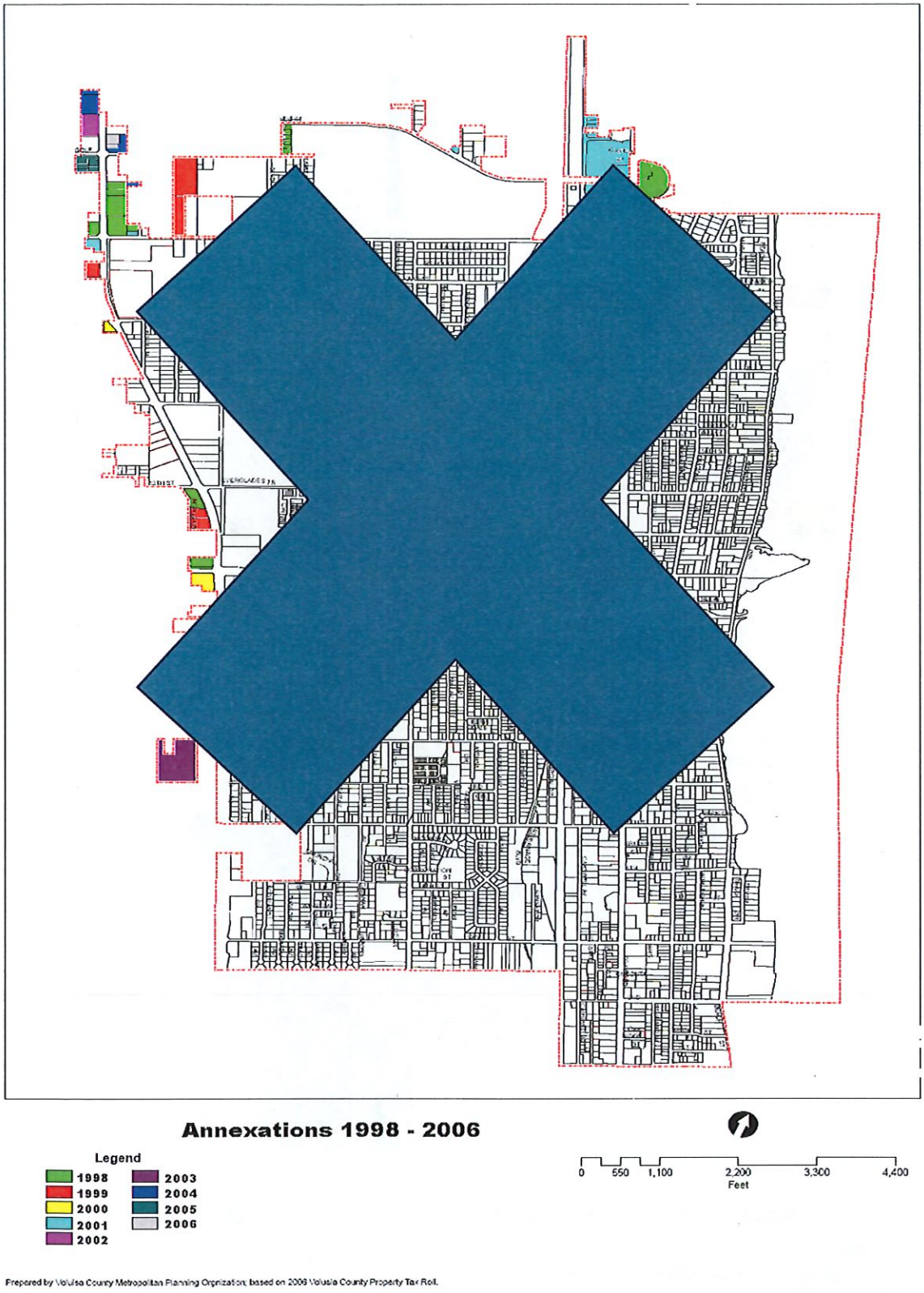
MAP 1: CITY OF HOLLY HILL FUTURE LAND USE MAP

(2025 COMPREHENSIVE PLAN)

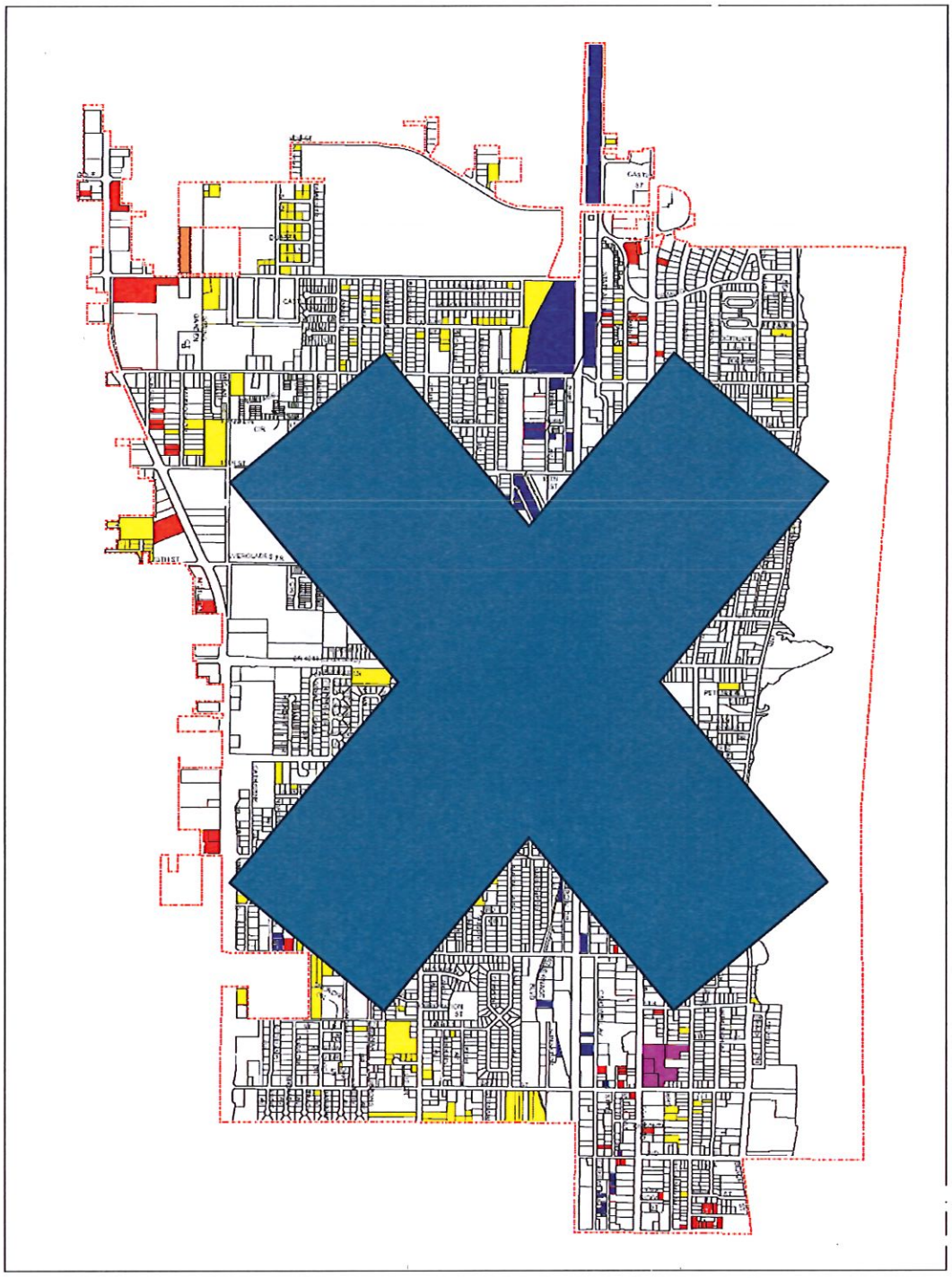
City of Holly Hill, Florida
FUTURE LAND USE MAP 2025



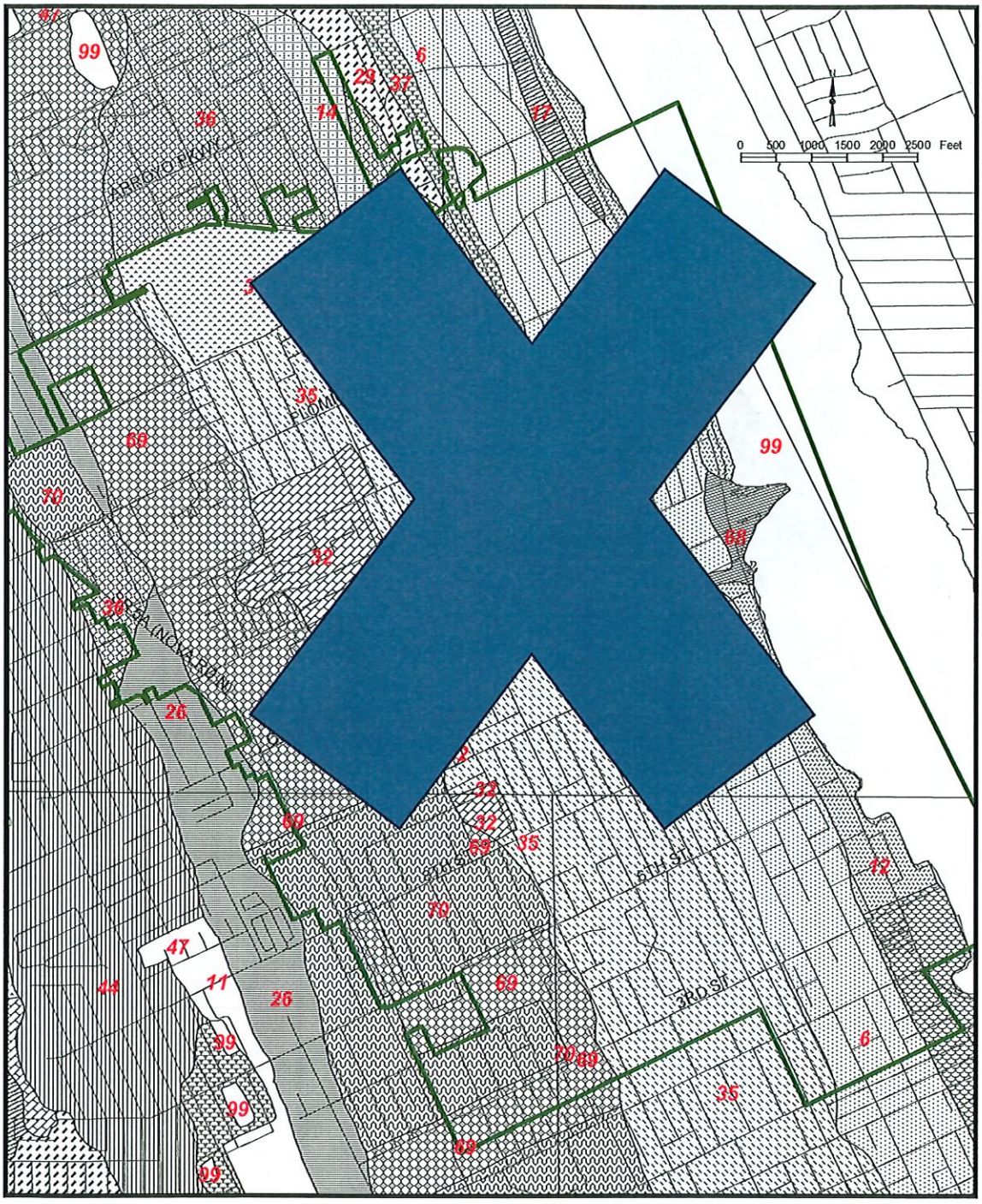
MAP 2: CITY OF HOLLY HILL ANNEXATIONS FROM 1998-2006



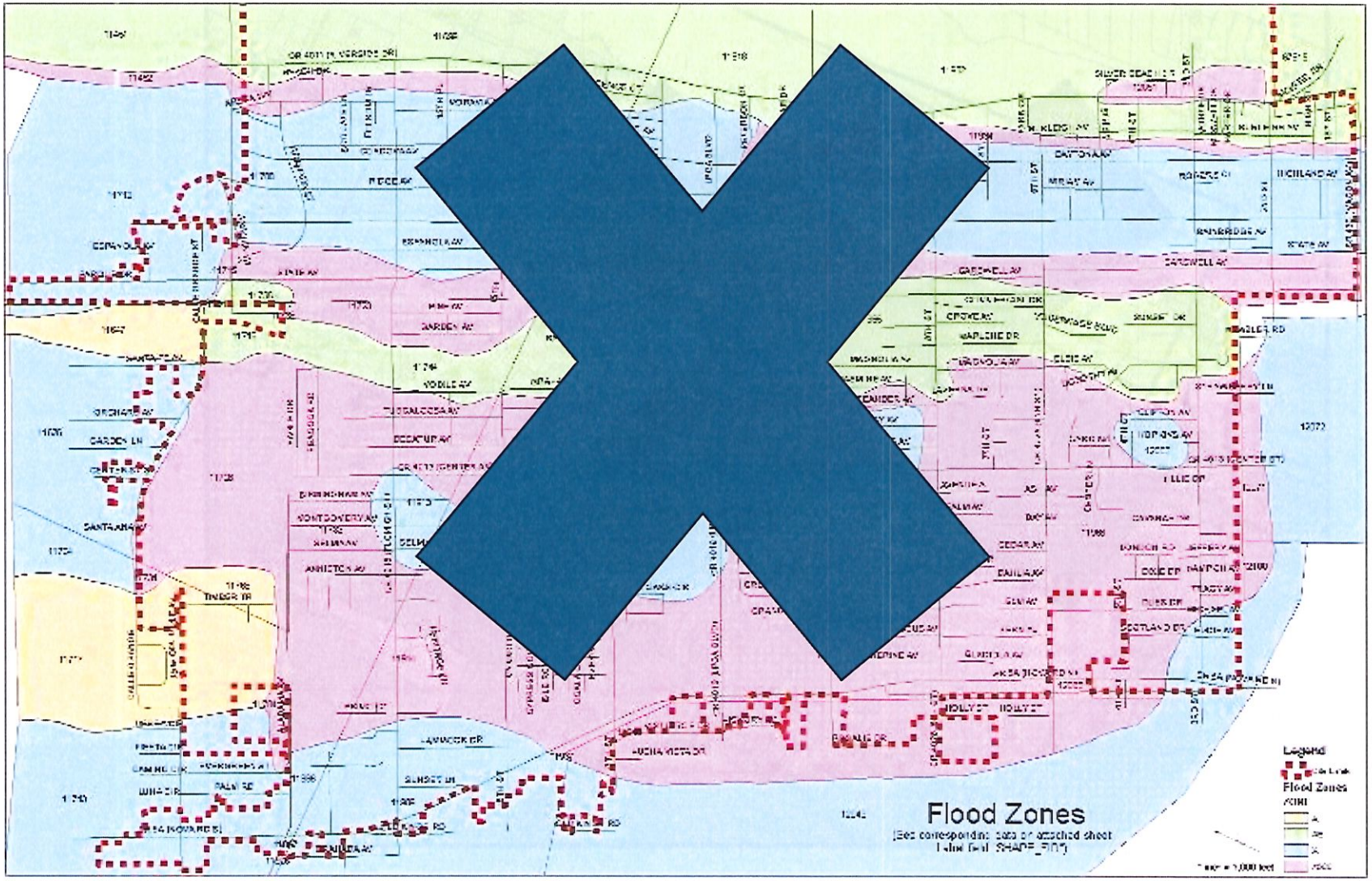
MAP 3 FUTURE LAND USE DESIGNATION OF VACANT LAND



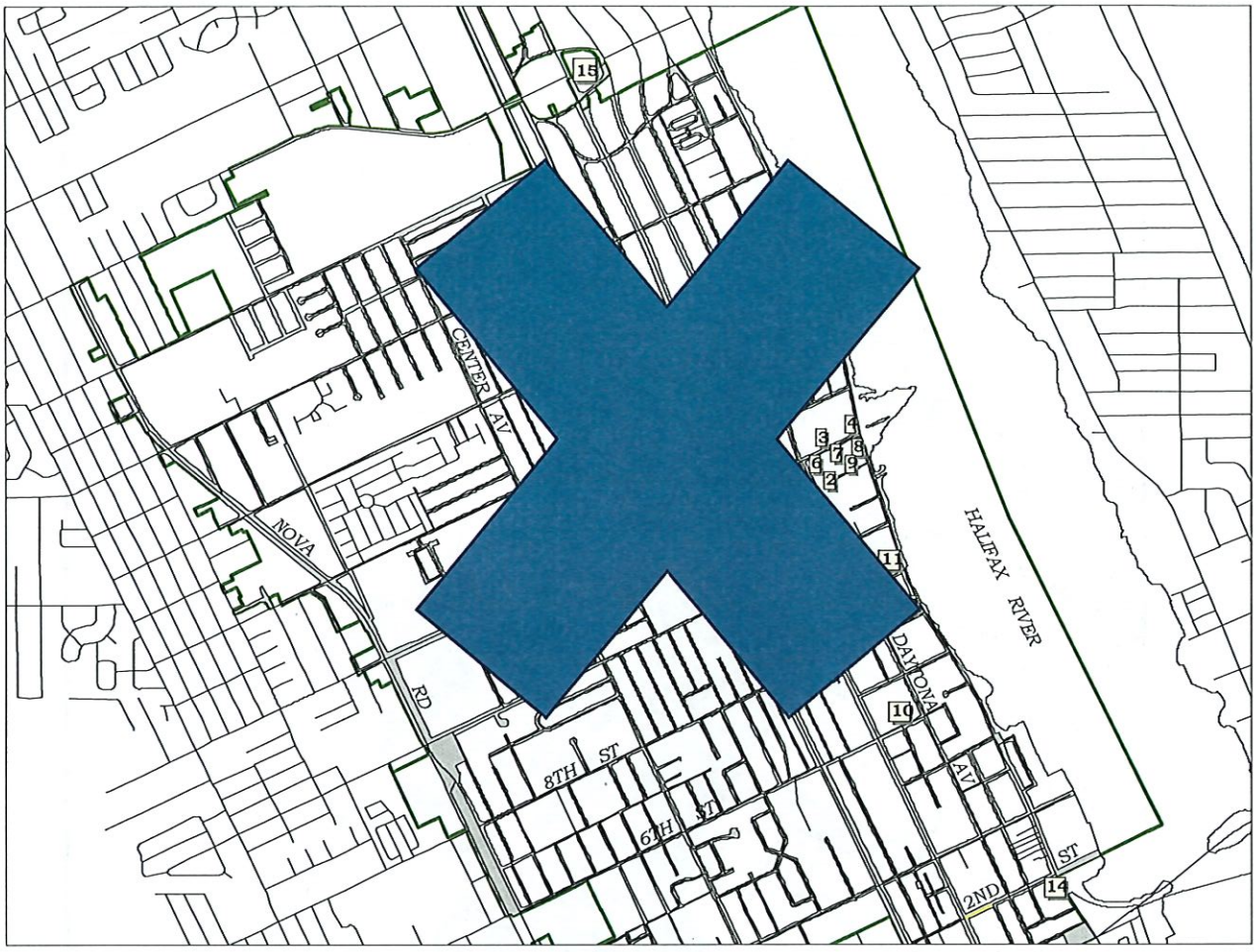
MAP 4 CITY OF HOLLY HILL, FLORIDA - SOIL MAP



MAP 5 FLOOD ZONE HAZARD MAPS



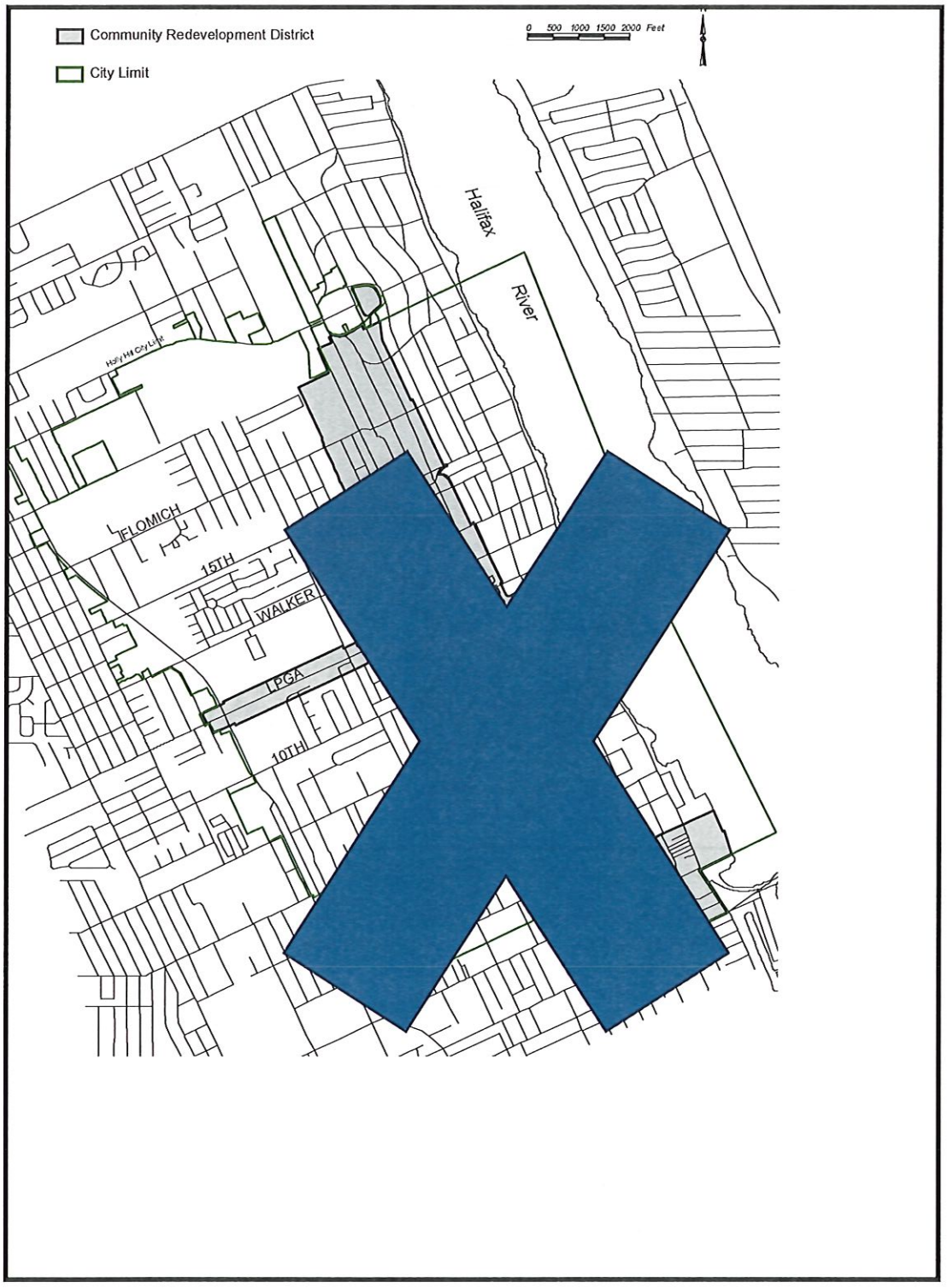
MAP 6 HISTORICAL SITES AND STRUCTURES - CITY OF HOLLY HILL



Map Key	Description of Site and/or Structure
1	"Union Congregational Church" - constructed in 1911.
2	"First Building Built for a School" - Constructed in the 1920's.
3	"Old Wetherell Home" - Wood frame home, pre-1900s located at 132 Eleventh Street.
4	"First Shopping Center" - Constructed in mid 1930's.
5	"Site of Old Lumber Mill" - located east of Riverside Drive at tip of 14th St., is now Big Tree Park.
6	Charles Wetherell Home - constructed prior to 1900s.
7	Twelve Oaks Greek Style Plantation Revival built in 1918,
8	McCoy House - Constructed in 1887
9	"Old Peterson Home" - Constructed prior to 1900s.
10	"First School House" - Constructed in the early 1900's
11	"Dr. Rawls Homestead and First Post Office" - built in 1878
12	Meahl Memorial Hospital - Constructed in 1935 by Bertha Meahl.
13	Holly Hill City Hall - Constructed in 1940 (WPA Project)
14	The Halifax Farmers Market - Constructed in the 1940's (WPA Project)
15	Riviera Hotel - Constructed in 1923.

NOTE: The historic sites and structures identified on Figure II-4, generally occur in a fairly compact area near the Halifax River. This is the area of the City which developed between 1870 and 1900.

MAP 7 COMMUNITY REDEVELOPMENT AREA



CHAPTER 2
TRANSPORTATION CIRCULATION ELEMENT

GOALS, OBJECTIVES AND POLICIES - TRAFFIC CIRCULATION ELEMENT

GOAL 1 - PROVIDE A TRAFFIC CIRCULATION SYSTEM WITH ADEQUATE CAPACITY TO EFFICIENTLY AND ECONOMICALLY MOVE MOTORIZED AND NON-MOTORIZED TRAFFIC NOW AND IN THE FUTURE, WHILE PROVIDING FOR MAXIMUM PUBLIC SAFETY AND MINIMUM ADVERSE IMPACTS ON SOCIAL AND NATURAL ENVIRONMENTAL SYSTEMS.

Objective 1.1 - The City shall maintain the level of service standards set forth in the Capital Improvements Element for all roads within its jurisdiction.

Policy 1.1.1 - The City shall review all proposed developments for consistency with Objective 1.1 and compliance with the adopted LOS standard. No development shall be approved if the resulting traffic impact will exceed the adopted LOS standard.

Policy 1.1.2 - The City has adopted uniform procedures and guidelines for review of proposed developments in order to ensure that traffic impacts will be adequately and consistently addressed.

Policy 1.1.3 - The City has adopted procedures for maintaining adequate current information to monitor the performance of the road network and to assess the remaining unreserved capacity.

~~**Policy 1.1.4** - The City shall coordinate with the Volusia Metropolitan Planning Organization, Volusia County, and Ormond Beach to designate Riverside Drive as a "Constrained Facility"; and shall maintain the current operating condition. The measure of maintained operating condition shall be a peak hour increase in traffic of no more than five (5) percent or a decrease in average travel speed of 1 mph.~~

Policy 1.1.5 - The City shall coordinate with the Florida Department of Transportation, the Volusia ~~Metropolitan~~ Flagler Transportation Planning Organization, Volusia County, Daytona Beach, and Ormond Beach to establish a mutually acceptable measure of "maintain and improve operating condition" relative to Ridgewood Avenue. For this purpose, the City shall consider a peak hour increase in traffic of five (5%) percent to be a reasonable indicator of maintained condition.

Objective 1.2 - The City shall coordinate future land planning with the traffic circulation system in order to ensure efficient utilization of the existing traffic circulation system and all future improvements.

Policy 1.2.1 - The City will amend its future land use plan only after it has been demonstrated that the changes will not result in an increase of traffic over the capacity of the traffic circulation network at the adopted level of service standards.

Policy 1.2.2 - All improvements to the City's traffic circulation system shall be designed and scheduled to support the City's future land use plan.

Policy 1.2.3 - The City will ensure that its adopted future land use plan will be reflected in the long-range transportation plans of the ~~Volusia County Metropolitan Planning Organization.~~ Volusia Flagler Transportation Planning Organization.

Policy 1.2.4 – The City will review all new developments, particularly shopping centers and multi-family residential projects, to ensure that the site layouts will reflect due consideration for the needs of transit users, pedestrians and bicyclists. Where appropriate, new large-scale developments shall include handicapped accessible bus stops with passenger amenities such as boarding/deboarding pads, benches and shelters where appropriate. Site layouts shall minimize the distances pedestrians must travel from public sidewalks and transit stops to building entrances. These pedestrian ways shall be clearly defined, particularly over parking and on-site vehicular circulation areas. Parking and on-site vehicular circulation areas shall be designed to provide for safe and convenient pedestrian movement. Secure bicycle parking shall be provided.

Objective 1.3 - The needs of pedestrians and bicyclists will be accommodated in all road construction and expansion projects of the City.

Policy 1.3.1 - The City shall continue to incorporate into its Land Development Regulations appropriate project design standards to insure that the needs of pedestrians and bicyclists are met.

Policy 1.3.2 - The City shall continue to incorporate into its Land Development Regulations appropriate project design standards to insure safe and convenient access for pedestrians and bicyclists throughout the City. As a minimum, sidewalks shall be required along both sides of all arterial and collector streets and along one side of local streets.

Policy 1.3.3 - The City shall continue its efforts to construct a bicycle facility along the entire length of LPGA Boulevard and Riverside Drive

Objective 1.4 - The City's road network will emphasize safety and aesthetics.

Policy 1.4.1 - The City shall continue to enforce their adopted design standards for landscaping and signage along all roads.

Policy 1.4.2 - The City shall continue the program to monitor citizen complaints regarding hazardous road conditions and accident data to identify such hazardous road conditions. Hazards shall be eliminated in a timely manner.

Policy 1.4.3 - Safety shall be the overriding concern in all matters of road design and construction and traffic management. All future City road improvements will conform to the Florida Department of Transportation's Manual Of Uniform Minimum Standards For Design, Construction And Maintenance For Streets And Highways and the Federal Highway Administration's Manual On Uniform Traffic Control Devices On Streets And Highways.

Policy 1.4.4 - The City shall continue to enforce ~~it's Land Development Regulations a~~ its requirement that adequate off-street parking and safe, convenient on-site traffic flow be provided for all land uses.

Objective 1.5 - Preserve existing and future investment in the road system.

Policy 1.5.1 - Continue and expand the City's program of scheduled maintenance and resurfacing.

Policy 1.5.2 - The City shall continue to enforce the City's Land Development Regulations road construction standards that will ensure long, trouble free service with a minimum of maintenance effort.

Policy 1.5.3 - The City shall continue to enforce the City's Land Development Regulations design standards which discourage direct driveway access to collector and arterial roads.

Policy 1.5.4 - The City may require ~~shall continue to enforce the City's Land Development Regulations a requirement~~ that building setbacks along substandard width rights-of-way be measured from the theoretical right-of-way line for a standard width right-of-way or the property line.

Policy 1.5.5 - At least every five years the City shall conduct a local street conditions survey and within six months after the completion of each survey prepare a prioritized schedule of street improvements for inclusion in the Capital Improvements Element.

Policy 1.5.6 - Minor urban collector roads shall be resurfaced at least every five years and other City roads shall be resurfaced at least every ten years.

Policy 1.5.7 - The schedule of road improvements shall be provided to telephone, electric and gas utilities to enable them to coordinate planned improvements.

Objective 1.6 - The City shall ensure coordination of its land use and traffic circulation planning with the plans and programs of the Volusia Flagler Transportation ~~County Metropolitan~~ Planning Organization and the Florida Department of Transportation's 5-year work program.

Policy 1.6.1 - The City shall continue to participate in the ~~M~~TPO transportation planning process through representation on the ~~M~~TPO's governing body and its technical advisory committee.

Policy 1.6.2 - The City shall review every update of the FDOT's 5-year work program and file written comments and objections relating to any inconsistencies with the City's future land use and traffic circulation plans.

Policy 1.6.3 - At least annually, the City shall review the County 5-Year Road Program for compatibility with the City's transportation facility plans.

Objective 1.7 - ~~By 2011, p~~ Prepare and adopt a right-of-way protection plan which identifies properties needed to be acquired for existing and future traffic circulation purposes.

Policy 1.7.1 - Require dedication of needed rights-of-way from all development through subdivision exactions, or if necessary, encourage voluntary dedication through use of incentive programs such as density bonuses.

Objective 1.8. Protect Florida's Strategic Intermodal System (SIS) by preserving future ROW corridors.

Policy 1.8.1 - The Future Traffic Circulation Map shall be derived primarily through use of ~~M~~TPO travel demand forecast models, where applicable, and shall reflect the ~~M~~TPO Adopted Cost Feasible Plan, locally designated corridors, corridors identified for Project Development Studies and any future identified corridors. The Future Traffic Circulation Map shall not be subject to the financially feasible criteria applied to the five and ten year planning horizon.

Policy 1.8.2 - The City shall utilize the long-range traffic circulation map for:

a. Review of all proposed development orders for consistency with the map;

b. Establishing the long range (20~~3~~50) level of service standards on major existing or future roadways by determining the resultant level of service on each roadway impacted by a project travel demand as determined using the ~~M~~TPO, or other travel demand forecasting models;

c. Reviewing all ~~proposed capital~~ projects proposed to widen existing or develop new major roadways. All capital projects shall be consistent with the Future Traffic Circulation Map; and

d. Achieving consistency of this comprehensive plan where appropriate with: the long range transportation plans of all local governments adjacent to Holly Hill; the FDOT's Transportation Plan and approved work program; and the ~~M~~TPO's transportation improvement plan.

Objective 1.9. The City shall insure the availability of structure free right(s)-of-way for major and important minor roadways and for Votran transit corridors necessary or desirable to accommodate projected travel demand in ~~20~~3~~50~~.

Policy 1.9.1 – ~~By 2012 t~~ The City shall adopt a major thoroughfare provision in the LDR which:

a. References the Future Traffic Circulation Map that will provide for adequate traffic circulation within the city;

b. Identifies the right-of-way widths for each roadway in a manner consistent with the Future Traffic Circulation Map and in a manner consistent with the inventory of right-of-way already provided by Ormond Beach, other local governments, or the State of Florida;

c. Establishes the Future Traffic Circulation Map as the official listing of right(s)-of-way to be reserved pursuant to Policy 1.9.2 below; and

d. Establishes procedures and guidelines for the appropriate amendment of the map.

Policy 1.9.2 - A right-of-way protection provision shall be adopted for the purpose of protecting right(s)-of way necessary to develop the roadway network shown on the Future Traffic Circulation Map. This right-of-way protection is required so as to insure compliance with long range level of service standards established by those policies within the comprehensive plan. Such ordinance shall prohibit the development of any structures, parking areas, or drainage facilities (except as allowable on an interim basis) within the corridors indicated on the Future Traffic Circulation Map or within any other surface transportation corridors (i.e. rail corridors) identified by FDOT. Other uses, consistent with this comprehensive plan, may be considered within the protective right-of- way. Nothing in the right-of-way protection ordinance shall preclude location of temporary uses within protected right(s)-of-way. Any right-of-way protected under the right- of-way protection ordinance may be dedicated to Holly Hill during the development of a project. Any such dedication shall not be subject to time limits on right(s)-of-way reservation as required by Chapter 336 F.S. As used in this policy, "corridors" means that area of protected right-of-way for any roadway, as generally configured and as located on the Future Traffic Circulation Map. Protected right(s)-of-way shall be defined as:

a. Required right-of-way on either side of the centerline of an existing roadway shown as having more lanes on the Future Traffic Circulation Map than the number of lanes currently existing.

b. Required right-of-way for roadway or other transportation corridors for which no centerline has been established. The location of the roadway right(s)-of-way shall be established during the review of proposed projects in proximity to future roadway corridors located on the Future Traffic Circulation Map. These newly established alignments selected during project review shall be continuous so as to provide for a continuous travel corridor of sufficient width to accommodate an appropriate cross section as required by city policy for facility types specified on the Future Traffic Circulation Map.

Policy 1.9.3 - The City shall ensure that protected right(s)-of-way are reserved at the time of project review for issuance of a level of service compliance decision. Failure to reserve protected right(s)-of- way as a condition of level of service determination shall be considered a violation of the 2035 (long range) level of service standard for that roadway and shall, therefore, be prohibited. Such ordinance shall also contain mitigation measures designed in part to preclude the taking of private property unless fair compensation for any such taking is provided. These measures shall address properties which are located in a manner or exhibit characteristics that precludes the reasonable use of such property if the protected right-of-way is maintained free of drainage facilities, structures, or parking during the development of the property. Measures may include, but not be limited to:

1. The transfer of development right(s), which may be considered pursuant to future land use policy from the area within a protected right-of-way to an area outside of the protected right of way on the same project site.

2. The reduction of required building setbacks, required buffers, and other requirements otherwise contained in this comprehensive plan or contained in other local land development regulations, if such reduced requirements are considered on a case-by-case basis and are granted pursuant to a finding of overriding public interest by the local government.

Policy 1.9.4 - Adopt a right-of-way reservation ordinance that requires the dedication to Holly Hill as a condition of issuance of a level of service compliance finding. Upon adoption of an ordinance, or upon recording of any update to the Future Traffic Circulation Map, the reserved right(s)-of-way shall be prohibited from all development of drainage facilities, parking or structures, and dedication of the reserved right-of-way shall be required upon issuance of the development order for any property encompassing said right-of-way. Appropriate access through reserved right-of way as determined by Holly Hill, will be permitted. Any such reservation of right-of- way for a particular transportation corridor shall be effective for a period not to exceed five years from time of initial right-of-way reservation, unless extended ~~the extends this five-year period~~ in one-year increments not to exceed an additional five-year period.

Policy 1.9.5 - Pursue advanced acquisition of easements and rights-of-way to reduce project costs and adverse impacts from road projects.

Policy 1.9.6 - Prepare engineering plans for future transportation improvements in advance of funding commitments for construction in order to clarify and secure right-of-way requirements and to develop improved cost estimates.

~~**Policy 1.9.7** - All building setbacks shall be measured from the centerline of the existing right(s)-of-way line.~~

Policy 1.9.8 - The impact of new and/or widened right(s)-of-way on existing residential use or residentially zoned property shall be minimized by the use of walls or combination of berm/landscape buffers, as appropriate to the particular site. Impacts to be considered shall include noise levels, safety, aesthetics, usefulness and property values. Walls and other buffers will be constructed by developers.

Policy 1.9.9 - No existing right(s)-of-way for major roads shall be abandoned, vacated or otherwise conveyed from public ownership unless a positive recommendation has been made by the Development Review Committee to the City Commission that the right-of-way will not be needed for the future expansion of the roadway.

Objective 1.10 - Protect existing roadway capacity through access management by ensuring on-site circulation for new development shall not interrupt traffic flow on public road facilities.

Policy 1.10.1 - All land use plan amendments, zonings, plats and site plans requiring City approval and access to Federal, State, County and City roads shall comply with the following access management strategies, if determined applicable to the location:

a. Traffic circulation and maneuvering shall be accomplished on-site;

b. Driveway entrances and exits shall be located as far as possible from street intersections;

c. Nonresidential lots having frontage on two or more public streets shall have access to the street(s) with the lowest functional classification;

d. Interior throughways within parking areas shall be separated from parking aisle areas;

e. Peripheral outparcels designed for freestanding uses shall be integral part of the total interior circulation system for a larger site;

f. Driveways should align with opposite driveways;

g. Joint curb cuts, cross-access easements, internal access for outparcels and other transportation system management strategies shall be employed to effectively reduce the number of curb cuts and median openings on all public road facilities;

h. Curb cuts for driveways shall be minimized, and the location and number of cuts should relate to lot size, turnover rate, relationship to adjoining streets and the type of clientele served. Access points shall be designed to prevent hazards to vehicular or non-vehicular traffic. Turnout lanes and traffic dividers shall be provided on abutting roadways and on-site where existing or anticipated heavy flows of traffic indicate the need;

i. Internal streets, roads, driveways and parking, loading and service areas shall be designed so as to provide safe and convenient vehicular access to all uses and facilities;

j. Development proposals exceeding the thresholds established in the ~~2008~~ 2016 Votran Transit Design Guidelines shall include transportation demand management strategies, such as: ride sharing, van pooling, carpooling, flextime and bicycle usage, as methods to alleviate the need for automobile trips;

k. Joint curb cuts with adjacent development parcels shall be provided where feasible;

l. Residential and non-residential developments shall provide internal as well as external connectivity in order to support public transportation facilities for bicyclists and pedestrians;

m. Minimum throat distances shall be established for driveway entrances based upon the floor area size of developments to ensure development related traffic does not disrupt through traffic on public roadways;

n. New residential developments that exceed 200 average daily trips should provide emergency access independent of the primary access to the development as determined acceptable by the DRC; and

o. Residential subdivisions shall have internal road, pedestrian, and bicycle connectivity between each other.

Objective 1.11 - Coordinate a multi-modal strategy with transportation planning and the land use element to provide alternative travel modes which are sufficient to accommodate the uses depicted on the Future Land Use Map and adopted Community Redevelopment Area Plan.

Policy 1.11.1 - The City shall continue to support basic transit citywide for development consistent with the Future Land Use Map and located on non-congested roadways throughout the City. ~~For roadways that are currently congested or projected to be congested in 2020, the strategy shall incorporate a higher level of measures designed to reduce vehicular motor trips (VMT's).~~

Policy 1.11.2 - The multi-modal strategy shall be utilized when reviewing land use plan amendments, rezonings, plats, and site plans on congested or projected congested roadways.

Policy 1.11.3 - The multi-modal strategy shall initially coordinate transit with current or projected congested roadways by requiring development to construct or contribute money to fund operations or construct bus amenities in keeping with the Votran Transit Design Guidelines, as amended.

Policy 1.11.4 - Development or (re) development which occurs along congested roadways regardless of whether a land use plan amendment is required shall be required to enter into joint development agreements to develop transit facilities and services if requested by Votran.

~~**Policy 1.11.5** - The multi-modal strategy shall be triggered where required approvals for future land use plan amendments or development of land are located on roadway corridors currently congested or projected to be congested in 2020.~~

Objective 1.12 ALTERNATIVE MODES OF TRANSPORTATION The City shall promote alternative modes of transportation through the construction of bike paths, pedestrian facilities and the use of transit.

Policy 1.12.1 - The City shall incorporate Votran as a reviewing entity for those developments which meet or exceed the recommended review thresholds contained in Votran's Transit Design Guidelines, as amended.

Policy 1.12.2 - The City shall continue to implement its adopted Sidewalk Master Plan as amended to add sidewalks based upon evaluation criteria that includes safety, school access, recreational access, and transit access and road classification.

Policy 1.12.3 - The City shall permit a payment in lieu of sidewalk construction for development if it is determined that the need for sidewalk is much greater in other areas of the city.

Policy 1.12.4 - The City shall implement the Bicycle and Pedestrian Safety Master Plan recommendations prepared by the ~~M~~TPO for all elementary schools within the City through its annual sidewalk program.

Policy 1.12.5 - The City shall educate the public as to the benefits of bicycling and walking and other non-motorized transportation options including those benefits related to improving air quality, reducing energy consumption, reducing congestion, stimulating the economy and promoting health and physical fitness.

Policy 1.12.6 - Increase the use of transportation alternatives to the automobile by providing increased opportunities for the use of transit, and encouraging carpools, vanpools, walking and bicycling, and by reducing the need for new or expanded automobile and automobile parking facilities.

Policy 1.12.7 - Encourage the use of alternative fuels for City vehicles, transit vehicles and as feasible, any other motor vehicles as a means ~~or~~ of reducing greenhouse gas emissions and conserving energy.

GOAL 2. ALL DEVELOPMENT AND (RE) DEVELOPMENT SHALL BE REQUIRED TO MITIGATE IMPACTS OF DEVELOPMENT ON STATE, COUNTY AND CITY ROADS.

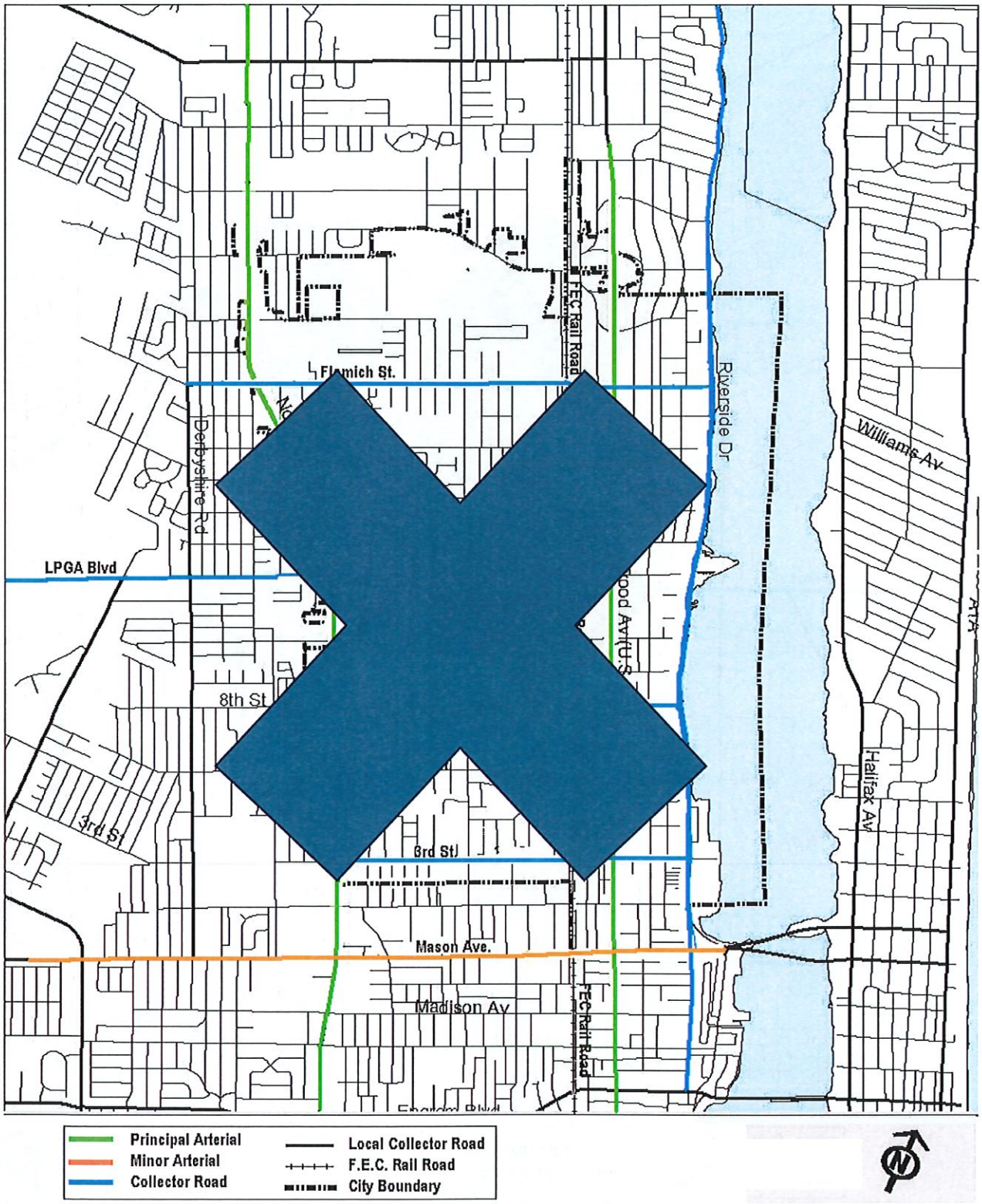
Objective 2.1 - All new developments that may be considered significant traffic generators shall provide a traffic impact assessment consistent with the requirements in the City's Land Development Regulations and if required, transportation improvements to mitigate their impacts on the City's transportation system.

Policy 2.1.1 - The City shall utilize the Volusia Flagler Transportation ~~County Metropolitan~~ Planning Organization's ~~(VCMPO)~~ Transportation Impact Analysis (TIA) Guidelines Methodology as the principal means for assessing site development impacts on state, county and city roads.

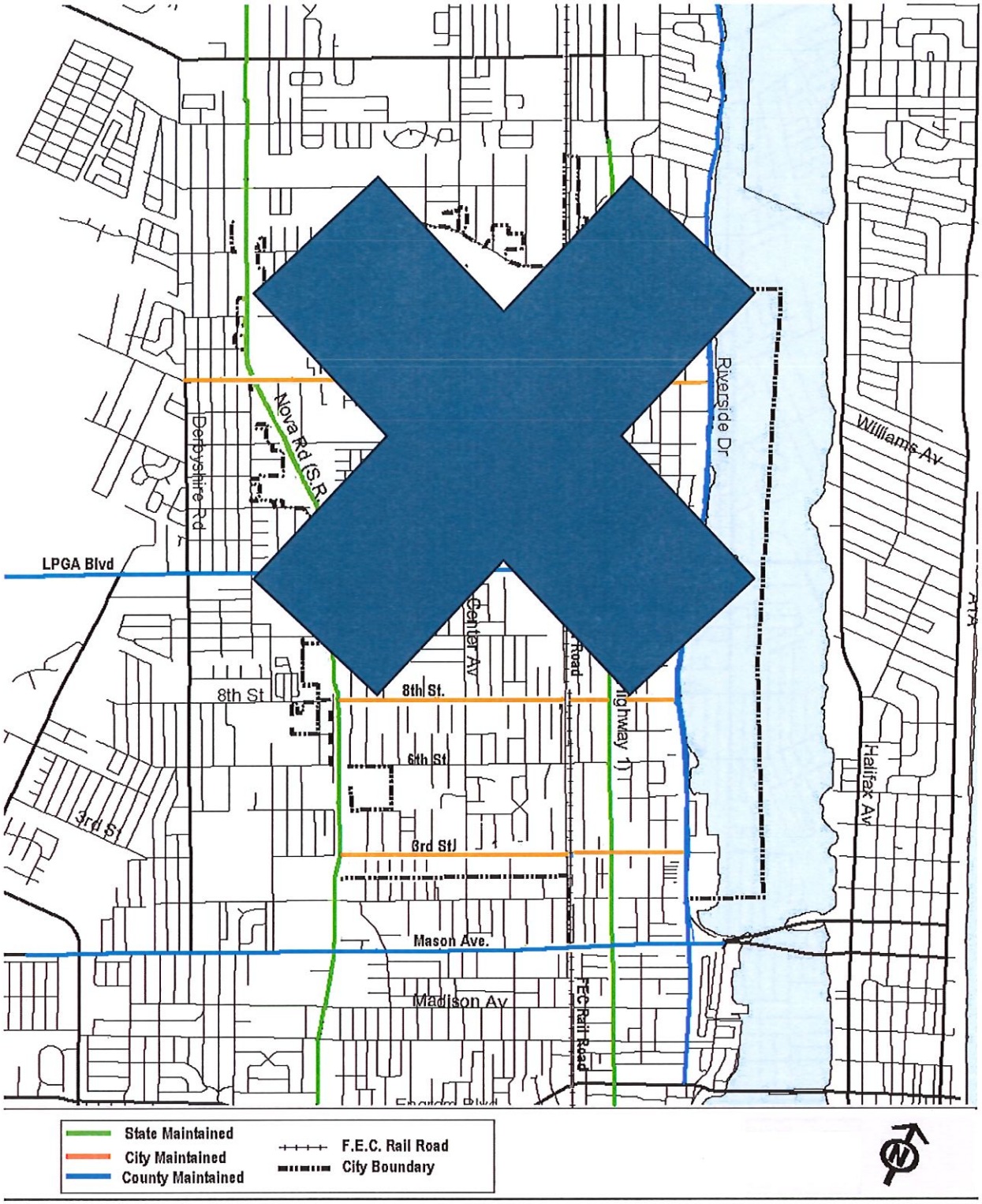
Policy 2.1.2 - New development shall construct that portion of any proposed road identified in the Long Range Traffic Circulation Map that abut or bisect their property and shall align new roads with existing and proposed facilities.

Policy 2.1.3 - Mitigation funded through monetary or Proportionate Fair Share contributions may include either singularly or in combination any of the following improvements: road improvements, transit facility improvements, transit operation contributions, bicycle trail construction, TDM strategies, or other appropriate measures which reduce vehicle miles traveled.

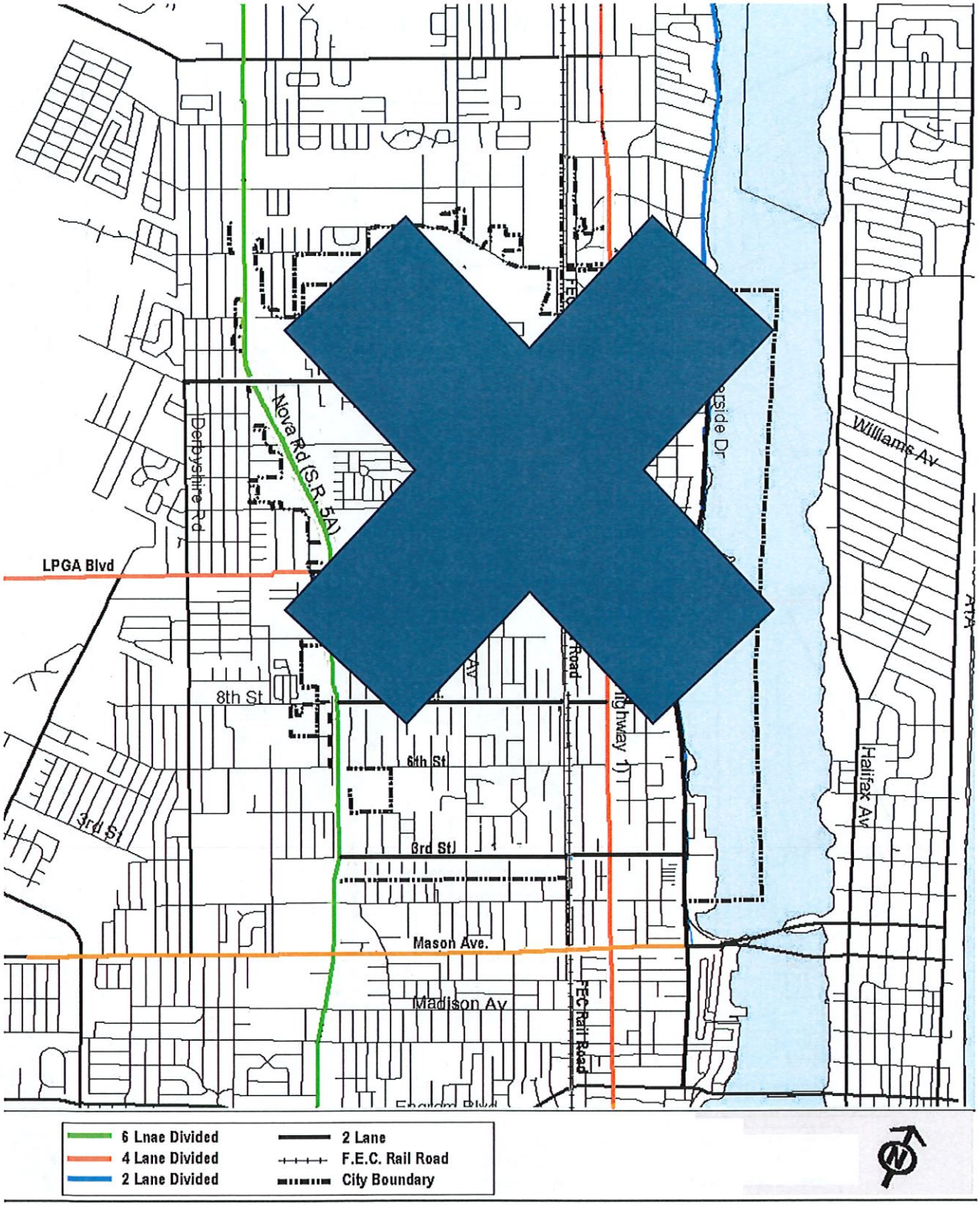
FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 2 ROADWAY FUNCTIONAL CLASSIFICATION



FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 2 ROADWAY MAINTENANCE

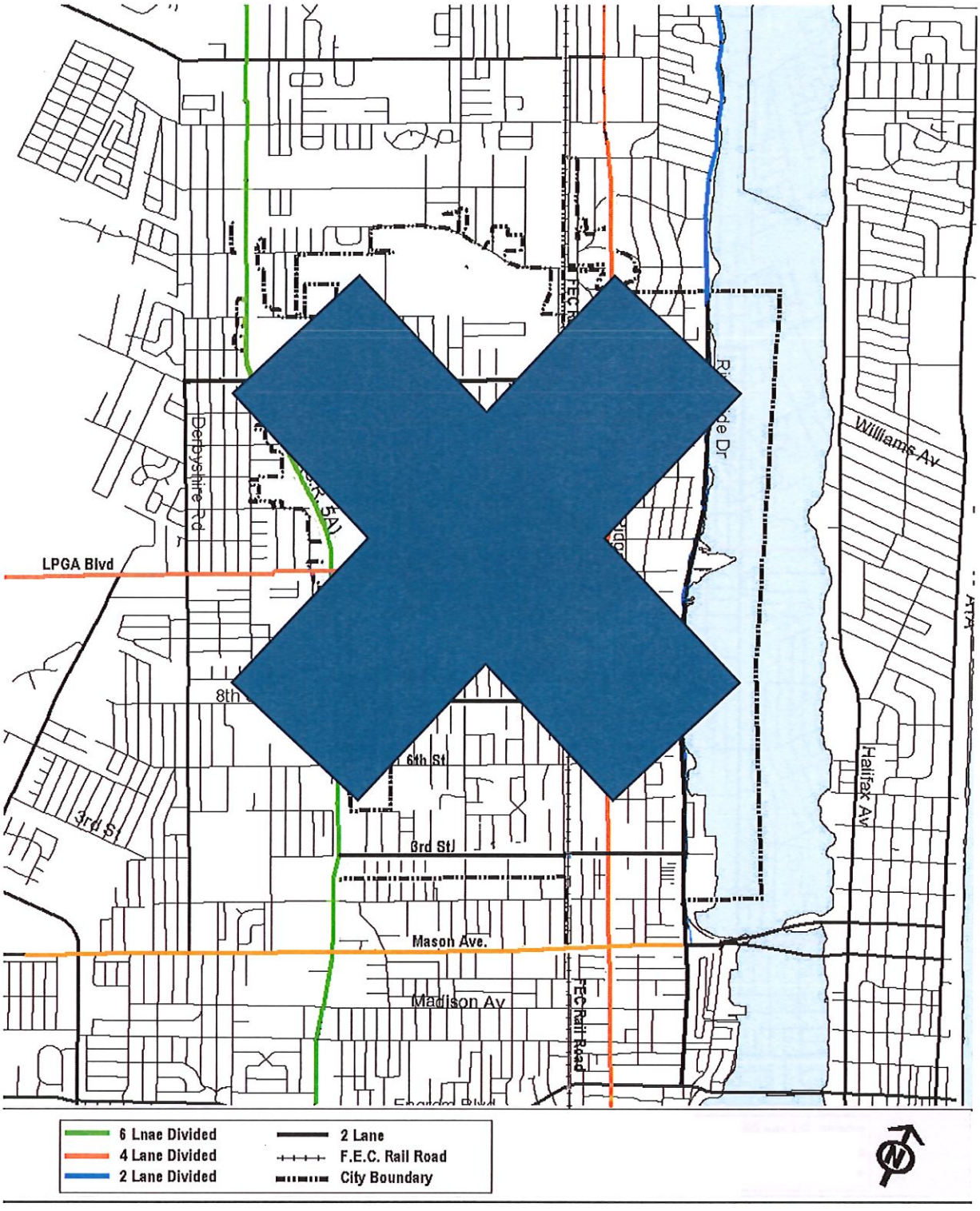


FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 3 ROADWAY NUMBER OF LANES 2009



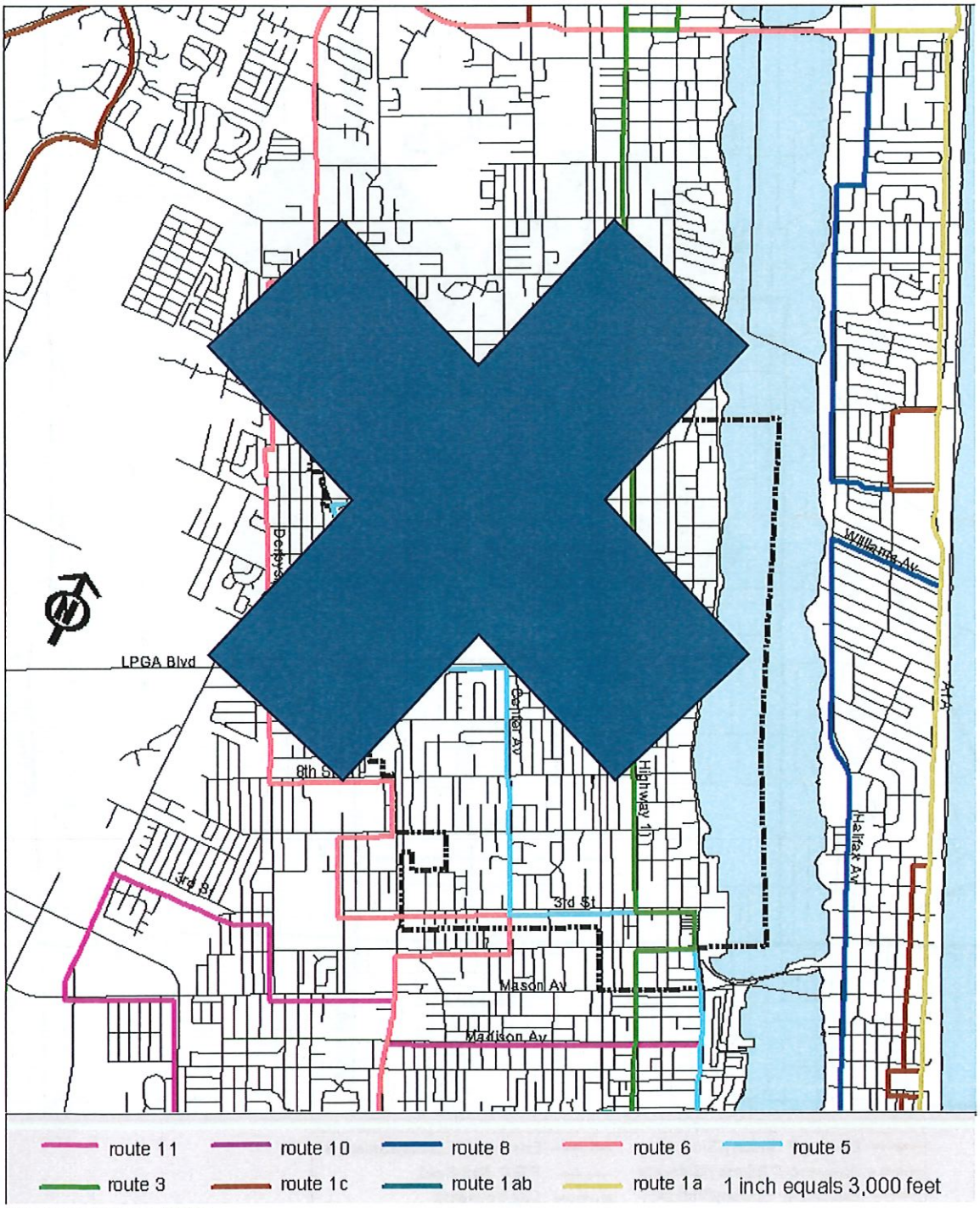
City of Holly Hill Community Development 2009

FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 4 ROADWAY NUMBER OF LANES 2025



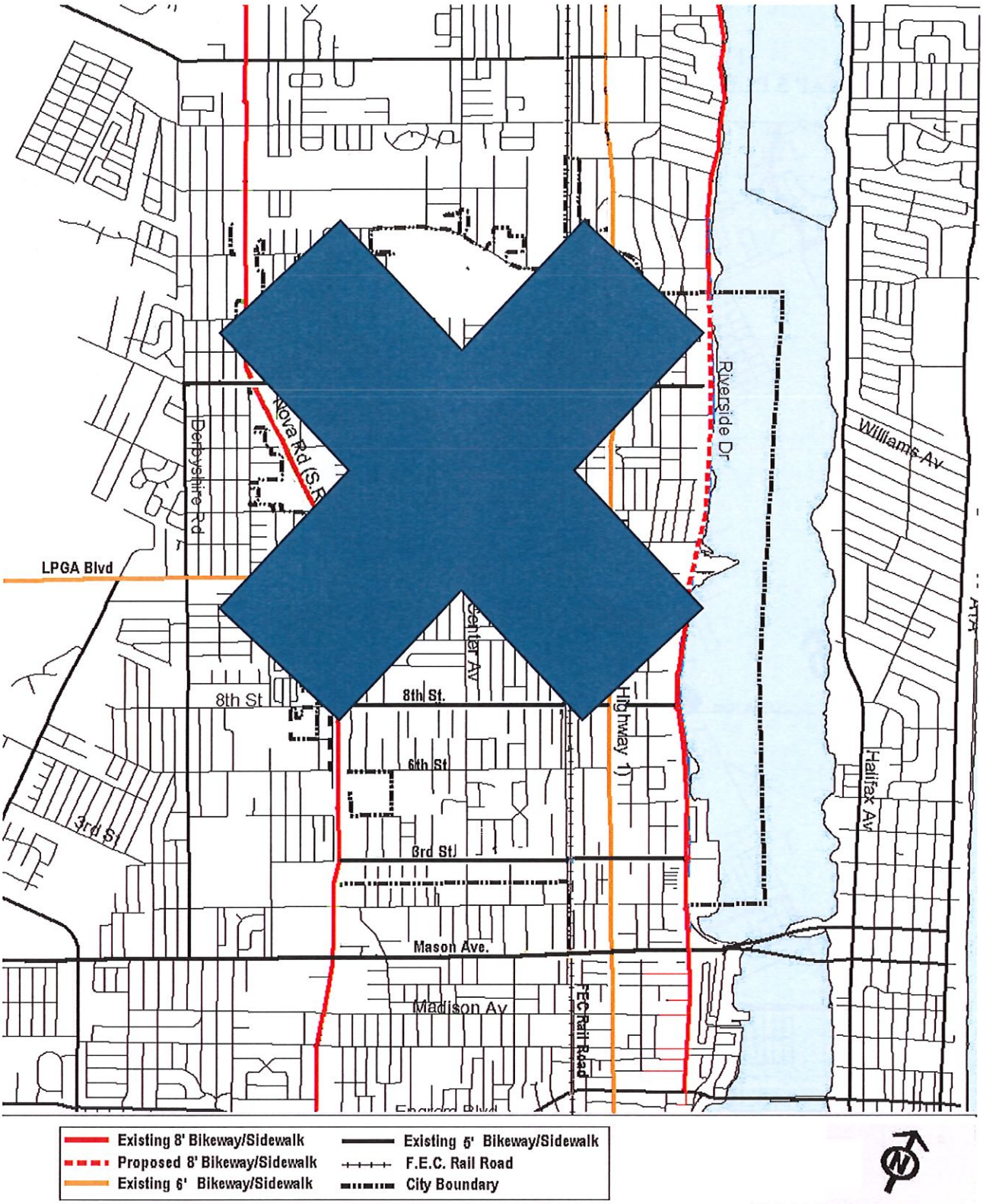
Source: City of Holly Hill Community Development 2009.

FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 5 PUBLIC TRANSIT ROUTES (EXISTING 2009 AND PROPOSED 2025)



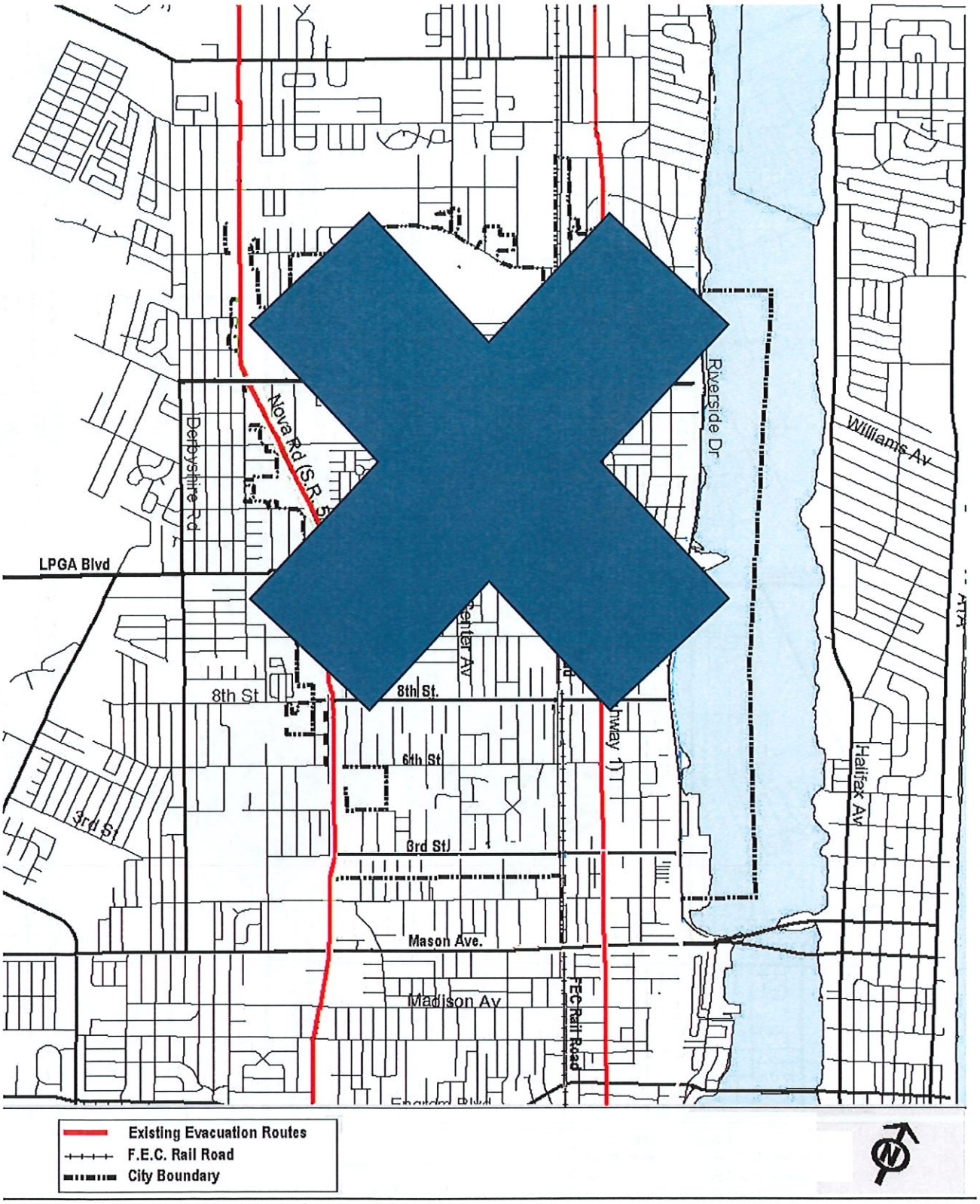
Source: Votran 2009

FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 6 BIKEWAYS AND SIDEWALKS (EXISTING 2009 AND PROPOSED 2025)



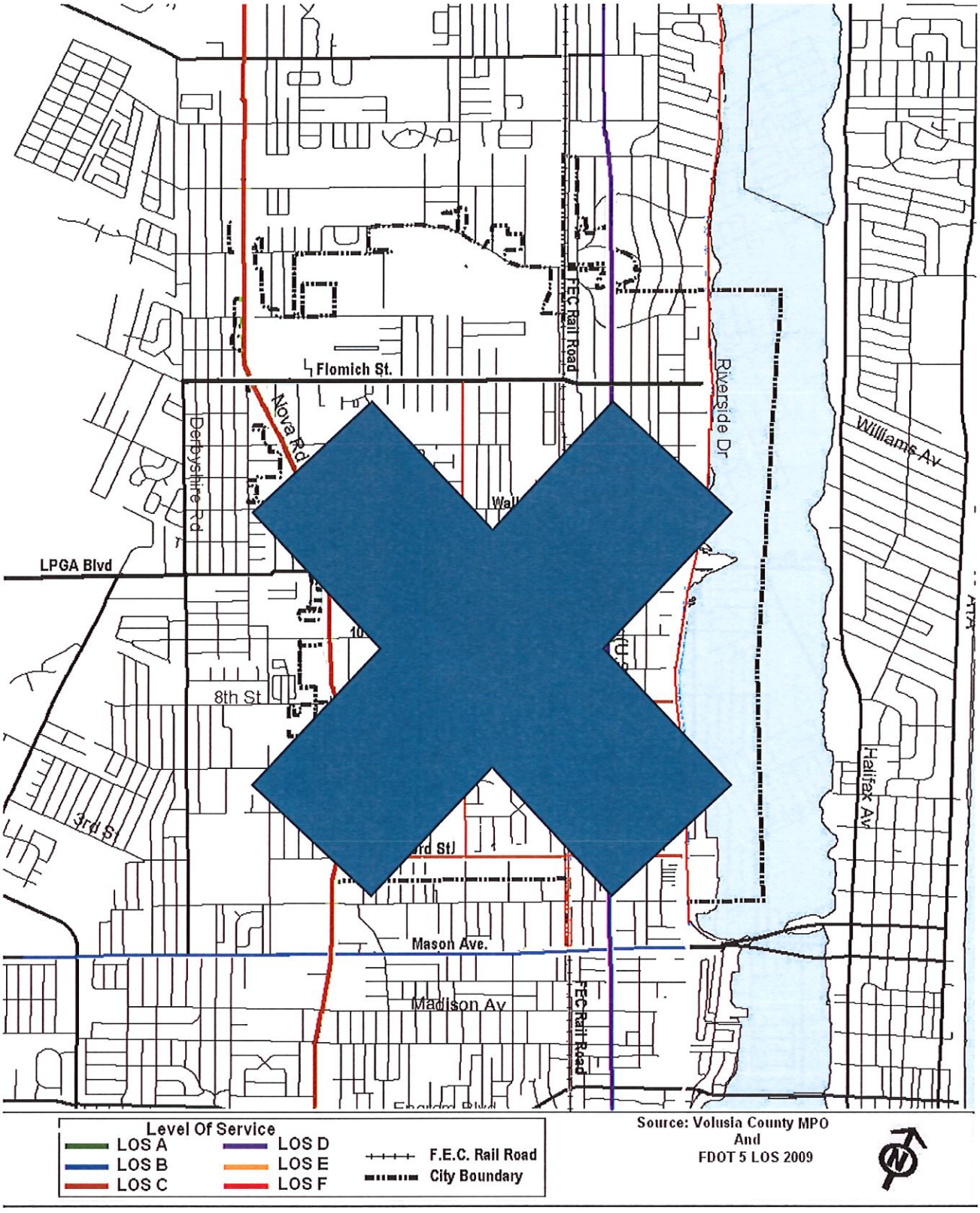
Source: Holly Hill Public Works Dept. 2009

FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 7 DESIGNATED EVACUATION ROUTE



Source: Volusia county Public Safety 2009

FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 8 ROADWAY LEVEL OF SERVICE 2009



FUTURE TRANSPORTATION CIRCULATION MAP 2025
MAP 9 ROADWAY LEVEL OF SERVICE 2025

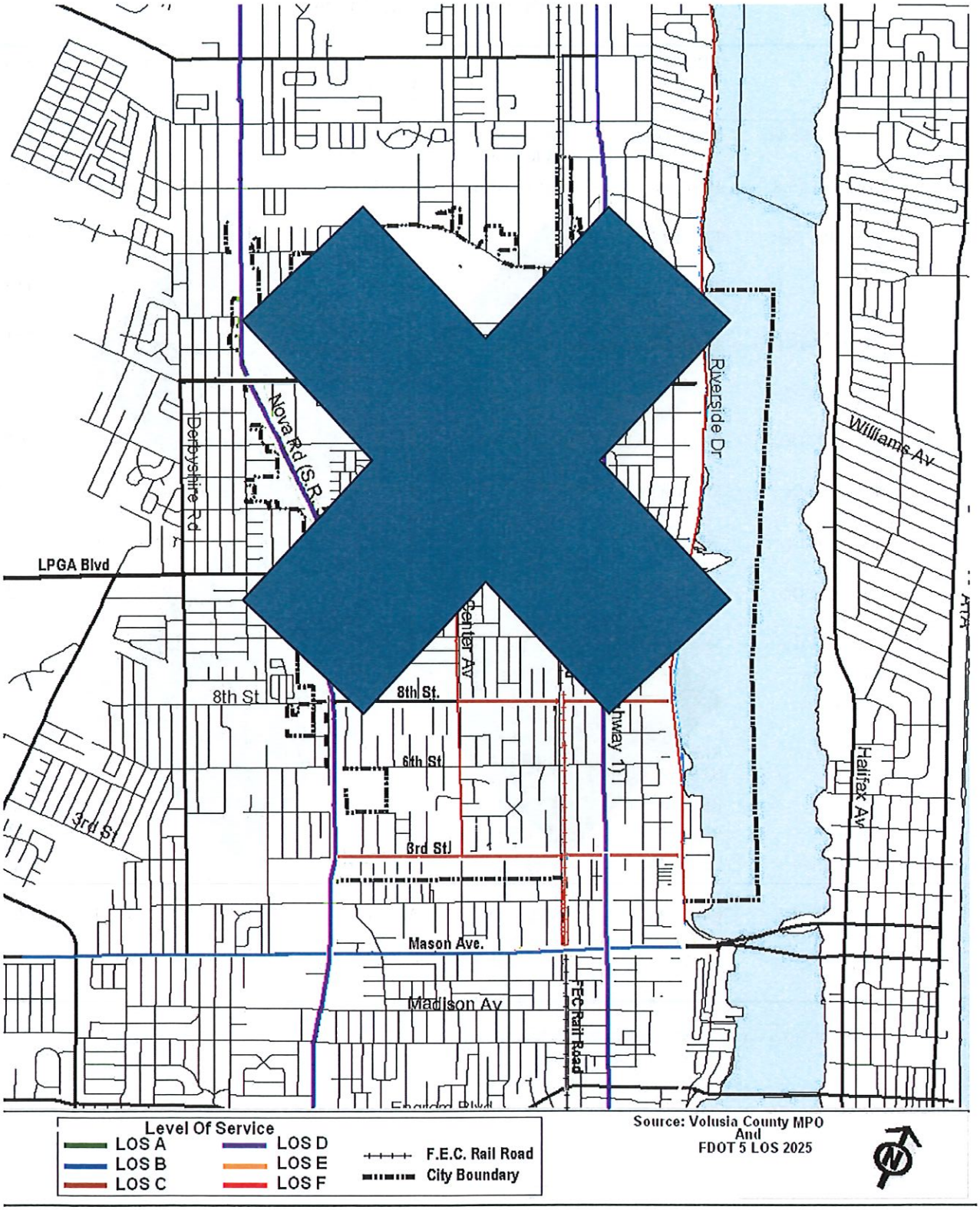


Table 1
Functional Classification and Current Level of Service: 2009
City of Holly Hill, Florida

ROAD	FROM	TO	FUNCTIONAL CLASSIFICATION	FACILITY TYPE	AADT	LOS
Ridgewood Av. (U.S. 1)	Hand Ave.	Mason Av. (S.R. 430)	Arterial	UA_S2WAC1_2W_4L_D_WL	27,000	D
Nova Rd. (S.R. 5A)	Hand Av.	LPGA Blvd.	Arterial	UA_S2WAC1_2W_2L_U_WL	30,500	C
Nova Rd. (S.R. 5A)	LPGA Blvd.	St.	Arterial	WAC1_2W_6L	32,500	C
Nova Rd. (S.R. 5A)	10th St.	Av.	Arterial	2W_6L	32,500	C
Nova Rd. (S.R. 5A)	Bre		Arterial	L	32,500	C
Riverside Dr	Arr			2	5,570	C
Riverside Dr.	Plaza Gra			2W_2	6,240	C
Riverside Dr.	Flomich St.			MCRS_2W_2_WL	6,240	C
Riverside Dr.	Walker St.			NSMCRS_2W_2WL	5,980	C
Riverside Dr.	LPGA Blvd.			CRS_2W_4	7,320	C
Daytona Av.	Mason				1,788	
Center Av.	Ma				5,118	C
Mason Av.			Arte		22,156	B
Mason Av.	Ridgew (U.S. 1)		Arterial			B
3rd St.	Riverside Dr	Rd.			2,052	C
8th St.	Riverside Dr	va Rd.			4,542	C
LPGA Blvd.	Center Av.	Nova Rd.	Arterial	UA_S2WAC1_2W_2L_U_WL	12,410	D
LPGA Blvd.	Center Av.	Ridgewood Av. (U.S. 1)	Arterial	UA_S2WAC1_2W_2L_U_WL	9,840	C
Flomich St.	Nova Rd.	Ridgewood Av.	Collector	UA_NSMCRS_2W_2L_U_0L	n/a	n/a

Source: Volusia County Traffic Engineering Department.

CHAPTER 3

HOUSING ELEMENT

GOALS, OBJECTIVES AND POLICIES - HOUSING ELEMENT

~~GOAL~~ GOAL 1 - ENSURE THE AVAILABILITY OF SAFE AND ADEQUATE HOUSING UNITS OF DIFFERENT TYPES, SIZES, AND PRICE RANGES TO MEET THE NEEDS OF ALL CURRENT AND FUTURE RESIDENTS.

Objective 1.1 - The City shall continue to facilitate the private production of a housing supply, including adequate sites for mobile homes or manufactured housing and low- and moderate-income housing, which will meet future community needs and offset housing deficiencies as noted in this Element

Policy 1.1.1 - The City shall maintain sufficient residentially zoned land to accommodate ~~the~~ projected housing development with a reasonable degree of flexibility and choice in location, density, housing type and cost.

Policy 1.1.2 - The City shall ensure that adequate public facilities and services will be provided to areas requiring such for development of needed housing units.

Policy 1.1.3 - The City shall work with the private and non-profit sectors as well as with other public entities to improve coordination among participants involved in housing -

Policy 1.1.4 -Land use plan amendments which increase density shall occur in areas with few environmental constraints and where adequate public infrastructure and services exist.

Policy 1.1.5 - The City shall support Volusia County's housing programs that conserve or increase the supply of standard housing affordable to low- and moderate-income households.

Policy 1.1.6 – The City shall seek to identify historically significant housing and other housing for purposes of conservation, replacement, rehabilitation and adaptive reuse.

Objective 1.2 – Rehabilitation and elimination **of Substandard Housing: All housing in the city which is found to be substandard but economically feasible to repair should be rehabilitated to increase the availability of standard housing and ensure that all housing in the city provides safe and adequate shelter to its occupants.** However, the City shall make all effort to eliminate housing that is determined to be not economically feasible to repair.

Policy 1.2.1 – Through its code enforcement and building inspection process, the City shall regularly identify substandard housing along with housing that may be in need of structural and aesthetic improvements.

Policy 1.2.~~1~~2– ~~By 2012 create a housing~~ The City shall prioritize City-wide housing rehabilitation ~~program City-wide to be carried out~~ as funds are made available through ~~the use of Community Development Block Grant Funds (CDBG) or other~~ appropriate funding sources. The City shall actively support the provision of housing services by Volusia County Community Services, Halifax Habitat for Humanity and other non-profit housing organizations in the Holly Hill area.

Policy 1.2.~~2~~ 3 - Rehabilitation of housing units ~~should~~ will be in conjunction with other neighborhood revitalization activities and facility improvements, as appropriate, to improve the overall quality of the housing and neighborhood environments.

Policy 1.2.~~3~~ 4 - Neighborhood restoration efforts shall seek to maintain neighborhood identity in conjunction with strict and sensitive code enforcement and integrity.

Policy 1.2.~~4~~ 5 – Where possible, ~~T~~ the City shall utilize State and Federal financial resources to provide financial assistance to allow persons of limited income to repair their properties.

Policy 1.2.~~5~~ 6 - In addition to correcting code violations, rehabilitation efforts may include incipient violations as determined by the Chief Building Official. These are defined as any conditions not in violation of the housing code which can be reasonably expected to become a violation within the near future, unless corrective actions are taken. Other improvements, as determined by the Chief Building Official, may also be eligible for assistance provided they are incidental to real or incipient code violations.

Objective 1.3 - The City shall continue to review and revise the adopted land development regulations eliminating all unnecessary requirements and procedural delays which add to the cost of residential land subdivision and housing construction.

Policy 1.3.1 - The City shall continue to encourage the use of innovative land development techniques including planned-unit-development and cluster development which could reduce land development and housing construction costs while maintaining and improving the quality of housing and neighborhoods.

Policy 1.3.2 - The City shall continue to encourage the use of innovative construction techniques and materials, including modular construction, which could possibly reduce the cost of housing while maintaining and improving the quality.

Policy 1.3.3 - The City shall continue to review and revise land development regulations to streamlined review procedure which eliminates unnecessary plan costs and approval delays.

Policy 1.3.4 - The City shall re-evaluate minimum floor area requirements for housing, and if appropriate, reduce excessive requirements.

Objective 1.4 – The City shall continue to enforce the adopted "fair housing" ordinance in accordance with Title VIII of the Civil Rights Act of 1968 and the Florida Fair Housing Act, Chapter 760, Florida Statutes.

Policy 1.4.1 - Every current and future resident of the City will be assured of equal housing opportunities.

Objective 1.5 The City shall continue to permit in residential areas ~~for~~ group homes and foster care facilities licensed or funded by the Department of Children and Family Services.

Policy 1.5.1 The City shall encourage the integration of special residential uses, licensed group homes, and foster care facilities into all residential areas, except those areas considered flood prone, where adequate supporting infrastructure and nearby medical and public facilities are available.

Policy 1.5.2 The City shall maintain provisions in the Land Development Regulations to allow smaller group homes (up to six residents) be permitted by right in all

residential districts. Larger group homes shall be permitted as a Special Exception use in all single-family residential districts and by right in all multifamily districts.

Objective 1.6 The City shall establish partnerships with private and public non-profit groups, private developers, and other affordable housing providers.

Policy 1.6.1 The City shall utilize, to the maximum extent possible, non-profit community-based organizations to assist in the acquisition, rehabilitation, and construction of affordable housing.

Policy 1.6.2 The City shall support multi-jurisdictional approaches to affordable housing issues in Volusia County.

Objective 1.7 The City shall ensure, on a continual basis, that a variety of housing, including mobile homes or manufactured housing, and affordable housing is developed in the community to provide for the varied lifestyles of its existing and future residents.

Policy 1.7.1 - The City shall ensure, through the Land Development Regulations, the availability of safe and adequate housing units of different types, sizes and price ranges to meet the needs of all current and future residents.

Policy 1.7.2 - The City shall pursue affordable housing techniques designed to reduce the cost burden to low- and moderate-income households thus making affordable housing already available in the marketplace more accessible.

Policy 1.7.3 - Mix use buildings incorporating residential and commercial development in the Community Redevelopment Area shall have priority over single use buildings when applying for financial assistance from the City through the Tax Increment Financing District.

Policy 1.7.4 - The City housing policy shall promote universal accessibility as a design option for housing of the elderly and various income level families.

Policy 1.7.5 - Through the development review process and the administration of regulatory controls, the City will consider opportunities for the private sector to develop innovative housing prototypes and creative residential land use arrangements to foster varied housing opportunities by types and cost.

Policy 1.7.6 - Mobile Homes shall be allowed in the R-9 mobile home zoning districts. This district will allow for a self-contained planned community under single ownership and featuring extensive on-site recreation facilities, landscaping and innovative design.

Objective 1.8 Encourage resource efficient green building, and sustainable development practices to enhance energy efficiency of housing in Holly Hill.

Policy 1.8.1 - Encourage installation of renewable energy systems by homeowners.

Policy 1.8.2.- Encourage the incorporation of green building practices into development projects.

Policy 1.8.3 - Provide educational materials regarding energy efficiency, sustainable design, and climate change, that encourage residents and business owners to invest in energy-efficiency improvements through community outreach efforts through the City's website.

Policy 1.8.4 - The City shall promote energy conservation techniques that incorporate Federal Energy Star Standards, as consistent with the requirements of the Florida Building Code.

Policy 1.8.4 - Encourage building orientation that maximizes energy efficiency and fosters the use of alternative energy sources where appropriate, such as solar or wind energy systems, to reduce the demand for electricity and reduce greenhouse gas emissions.

Policy 1.8.5 - Encourage appropriate orientation of trees and shrubs on a development site to reduce cooling loads by taking advantage of evapo-transpiration and shade.

Policy 1.8.6 - Promote building design appropriate for local climate conditions.

Policy 1.8.7 - The City shall encourage the construction of energy efficient housing by exploring innovative regulations through nationally recognized green building standards, that promote energy conserving and environmentally sensitive technologies.

Objective 1.9 The City shall ensure that equal housing opportunities are realized by all residents regardless race, color, religion, ancestry, sex, familial status, national origin, handicap, or place of birth.

Policy 1.9.1 - City shall continue to enforce its Fair Housing Ordinance continually monitoring housing practices for possible housing discrimination.

Policy 1.9.2 - The City shall ensure housing opportunities for all current and future residents, with an emphasis on the needs of the financially, socially, and/or physically disadvantaged, and those displaced due to City actions.

Policy 1.9.3 - The City ~~shall~~ **may** maintain a program of annual inspections of rental housing, including single-family housing, as identified through the Rental Housing Business Tax Receipt Program.

CHAPTER 4

UTILITIES ELEMENT:

SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, AND GROUNDWATER AQUIFER PROTECTION SUB-ELEMENTS

SANITARY SEWER SUB-ELEMENT

GOALS, OBJECTIVES AND POLICIES - SANITARY SEWER SUB-ELEMENT

GOAL 1 -. THE CITY SHALL PROVIDE FOR THE COLLECTION, TREATMENT AND DISPOSAL OF ALL WASTEWATER GENERATED IN THE CITY IN THE MOST ECONOMICAL, ENVIRONMENTALLY SOUND AND COST EFFICIENT MANNER POSSIBLE AND FACILITIES WITH SUFFICIENT CAPACITY THROUGHOUT THE DEFINED SERVICE AREAS DURING THE PLANNING PERIOD AND THAT MEET OR EXCEED THE CALCULATED LEVEL OF SERVICE STANDARDS ESTABLISHED. SUCH FACILITIES SHALL MEET OR EXCEED STATE AND FEDERAL REQUIREMENTS, INCLUDING WATER QUALITY BASED EFFLUENT LIMITATIONS ESTABLISHED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE CITY SHALL ALSO APPROPRIATELY REGULATE THE USE OF INDIVIDUAL ON-SITE WASTEWATER TREATMENT SYSTEM AND PACKAGE TREATMENT SYSTEMS.

Objective 1.1 - Maintain a sanitary sewer system level of service standard adopted in the Capital Improvements Element

Policy 1.1.1 - The City will continue to implement concurrency procedures for monitoring available sanitary sewer system capacity to determine if adequate capacity remains for proposed development.

Policy 1.1.2 - No development approval shall be granted by the City for any proposed development if the demand for sewer system capacity would exceed currently available capacity.

Policy 1.1.3 - The City shall issue Concurrency Certificates concurrent with issuance of a Development Order signifying that facilities and services are available for which if no building permit is applied for and received within a specified time period as provided for in the LDR that such reservation of capacity shall expire.

Objective 1.2 - The use of package sewage treatment plants, septic tanks, and other on-site wastewater treatment systems shall not be permitted except as follows:

Existing septic tanks may remain in service as long as they function in accordance with applicable standards and requirements. If any septic tank should fail to function and central sewer service is at that time reasonably available, connection to the central system shall be required.

Policy 1.2.1 - The City shall require all new developments to connect to the sewage collection system.

Policy 1.2.2 - Property owners shall be principally responsible for paying the capital costs related to connecting to the City's central sewer system when individual lot septic tank failures are sufficient in numbers to cause health and water quality concerns

Objective 1.3 The City shall continue maintenance and restoration of the sewage collection system to reduce the amount of inflow and infiltration.

Policy 1.3.1 - The City shall continue to allocate the amount of funds necessary in the Capital Improvement Plan to correct major inflow/infiltration problems.

Policy 1.3.2 - Proposed sanitary sewer system projects for replacement, correction of deficiencies, and provision of facilities for future needs shall be prioritized in accordance with the following guidelines:

- Level 1 - (highest priority) - whether the project is needed to protect public health and safety, to fulfill the City's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.
- Level 2 - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes in-fill development.
- Level 3 (lowest priority) - whether the project represents a logical extension of facilities and services within a designated service area.

Policy 1.3.2 - Owners, operators and managers should undertake efforts to obtain optimum operating levels and facility longevity so as to maximize the use, effectiveness and efficiency of existing facilities.

Objective 1.4 The City shall continue to operate a wastewater treatment plant reuse distribution system that provides an orderly and cost-effective method of distributing reuse irrigation water to the reuse target areas and for residential irrigation.

Policy 1.4.1 - The quality of the reuse water shall meet or exceed the standards established by the Florida Department of Environmental Protection *(FDEP)* before leaving the wastewater treatment plant or entering storage.

Policy 1.4.2 – Monitoring equipment and appropriately trained personnel shall be provided at the wastewater plant to ensure the continuous quality of the effluent.

Policy 1.4.3 –The City's Public Works Department shall each year, as the effluent reuse system expands, publicly educate its customers on the benefits of participating in the re-use system

Policy 1.4.4 – New residential developments, in the vicinity of reclaimed water transmission mains, shall install "dry lines" for reclaimed water service. Subdivisions with greater than 100 homes shall provide on-site storage and pumping for peak flow attenuation. Developers have the option of contributing to a reclaimed water construction fund if the development is not in an area scheduled to receive reclaimed water service.

Policy 1.4.5 – The City shall implement water conservation and reuse practices as well as demand reduction strategies that are conditions of the City's current Consumptive Use Permit (CUP).

Policy 1.4.6 – The City will implement the economically viable alternative water supply projects scheduled for completion ~~by 2013~~ as identified by the Water Supply Plan.

Policy 1.4.7 – The City shall update its sewer permits ~~Master Plan~~ and Utility Rate Sufficiency Plan at a minimum of every five years to determine capital needs to maintain the established level of service.

Objective 1.5 - The City shall ensure that sanitary sewer and effluent reuse facilities are available to meet Level-of-Service Standards.

Policy 1.5.1 - The Capital Improvements Planning process and Capital Improvements Element shall be utilized to plan, design, and construct cost feasible capital projects in order to maintain LOS standards.

Policy 1.5.2 - Projects needed to correct existing deficiencies shall be given priority in the formulation and implementation of the annual work programs of the City Department responsible for the project.

Policy 1.5.3 - No permits shall be issued for new development which would result in an increase in demand on deficient facilities prior to completion of improvements needed to bring the facility up to standard.

Policy 1.5.4 - The City will maintain a five-year schedule of capital improvement needs for sanitary sewer and effluent reuse facilities, to be updated annually in conformance with the review process for the Capital Improvement Element of this plan. All Capital Improvement projects in the annual budget shall be consistent with the Comprehensive Plan.

POTABLE WATER SUB-ELEMENT

GOALS, OBJECTIVES AND POLICIES – POTABLE WATER SUB-ELEMENT

GOAL 1 – THE CITY SHALL SUPPLY FACILITIES WITH SUFFICIENT CAPACITY FOR RAW WATER SUPPLY, TREATMENT AND TRANSMISSION OF POTABLE WATER TO MEET CONSUMPTION DEMANDS THROUGHOUT THE DEFINED SERVICE AREAS DURING THE PLANNING PERIOD AND THAT MEET OR EXCEED THE CALCULATED LEVEL OF SERVICE STANDARDS ESTABLISHED FOR THE POTABLE WATER SYSTEM. SUCH FACILITIES SHALL MEET OR EXCEED STATE AND FEDERAL REQUIREMENTS FOR POTABLE WATER QUALITY. THE CITY SHALL ALSO APPROPRIATELY REGULATE THE USE OF INDIVIDUAL WELL AND POTABLE WATER PACKAGE TREATMENT SYSTEMS.

Objective 1.1 - Maintain a potable water system level of service standard adopted in the Capital Improvements Element

Policy 1.1.1 –The City shall not issue development approvals for any development if the demand generated by resulting development will exceed the capacity of existing potable water facilities.

Policy 1.1.2 -~~,~~ The City shall issue Concurrency Certificates concurrent with issuance of a Development Order signifying that facilities and services are available under the City's District issued C.U.P. for which if no building permit is applied for and received within a specified time period as provided for in the LDR that such reservation of capacity shall expire

Policy 1.1.3 - The availability of adequate water supply under the City's District issued C.U.P. shall be verified by the City prior to development permits being issued

Policy 1.1.4 – The City shall maintain a combined and connected series of finished water interconnects with adjoining utilities' water systems.

Policy 1.1.5 – Water reuse or water reclamation programs shall be used to reduce groundwater and surface water withdrawals for water in new developments and the use of stormwater as a reclaimed water augmentation source, where feasible.

Policy 1.1.6 – The City shall encourage the implementation of a combined effluent reuse system with adjacent utility providers, including Ormond Beach, Daytona Beach and Volusia County.

Policy 1.1.7 – The City shall update its water permits ~~Master Plan~~ and rate structure every five years to determine capital needs to maintain the established level of service.

Policy 1.1.8 - Existing development with private water supplies not having adequate flow, pressure or poor water quality for firefighting will be required to connect to the City water system upon notice of availability. Impact fees and meter installation charges will be borne by the property owner.

Policy 1.1.9 Property owners shall be responsible for full capital costs incurred by the City providing water mains and fire hydrants to areas where developments, due to poor water quality or well failure, have inadequate flow or pressure

Objective 1.2 - The City shall ensure that potable water facilities are available to meet Level-of-Service standards.

SOLID WASTE SUB-ELEMENT

GOALS, OBJECTIVES AND POLICIES – SOLID WASTE SUB-ELEMENT

GOAL 1 - PROVIDE FOR THE COLLECTION AND DISPOSAL OF ALL HOUSEHOLD, COMMERCIAL, INDUSTRIAL, CONSTRUCTION AND OTHER SOLID WASTES GENERATED WITHIN THE CITY IN A MANNER THAT IS COST EFFICIENT, SANITARY, ENVIRONMENTALLY SOUND, AND CONVENIENT.

Objective 1.1 – In cooperation with the Volusia County Department of Environmental Management and the Florida Department of Environmental Protection, continue procedures, policies and guidelines for monitoring and regulating the handling of hazardous wastes in the City.

Policy 1.1.1 - The City shall monitor activities in the City that are known to use hazardous materials in order to insure compliance with applicable handling and disposal rules and guidelines.

Objective 1.2 – The City shall continue to maintain and enforce the comprehensive solid waste reduction program which addresses in particular:

- a practical means to ~~achieve~~ work with the County's waste programs to achieve the ~~goal of reducing the amount of the solid waste disposed of at the County landfills~~ Statewide weight-based recycling goal of 75%. ~~by 30%.~~
- specific methods for separation of white goods, yard trash, construction/demolition debris, and tires from the solid waste stream for disposal at alternate sites or for recycling.
- a strategy for educating the public to avoid products which: are not recyclable; cannot be converted; or cannot be used as a resource or derived fuel.

Policy 1.2.1 - The City shall continue to coordinate and cooperate with Volusia County in the waste reduction/recycling program that best serves the interests of the citizens of Holly Hill where economically feasible

Objective 1.3 The City shall continue to maintain and enforce the concurrency management system that will ensure needed solid waste facility capacity will be available to serve development.

Policy 1.3.1 - Maintain a level of service standard of 6.0 pounds per capita per day for the City's solid waste collection and transport service.

Policy 1.3.2 - In order to maintain consistency with Volusia County, the level of service standard for solid waste disposal capacity at ~~the landfill shall be~~ 8.6 pounds per capita per day.

Policy 1.3.3 - The City's concurrency management system shall provide procedures and methodologies to ensure that the measurement of available capacity at the County's ~~landfill~~ disposal facilities or alternate materials recycling facilities are ~~is~~ accurate and consistent with the County's measurement of available capacity.

Policy 1.2.1 - The Capital Improvements Planning process and Capital Improvements Element shall be utilized to plan, design, and construct cost feasible capital projects in order to maintain LOS standards.

Policy 1.2.2 - Projected demands through the year 2036 ~~2015~~ shall be met by undertaking those projects as identified in the Capital Improvements Element.

Policy 1.2.3 - Projects needed to correct existing deficiencies shall be given priority in the formulation and implementation of the annual work programs of the City Department responsible for the project.

Policy 1.2.4 - No permits shall be issued for new development which would result in an increase in demand on deficient facilities prior to completion of improvements needed to bring the facility up to standard.

Policy 1.2.5 - The City will maintain a five-year schedule of capital improvement needs for potable water facilities, to be updated annually in conformance with the review process for the Capital Improvement Element of this plan. All Capital Improvement projects in the annual budget shall be consistent with the Comprehensive Plan.

Policy 1.2.6 - All wellfields shall be developed and protected in accordance with the provisions for Public Water Supply Wellfield Protection in the Land Development Regulations.

Policy 1.2.7 - The City shall continue to implement and develop wellfield expansion programs in accordance with guidelines established in the Utility Master Plan.

STORMWATER DRAINAGE SUB-ELEMENT

GOALS, OBJECTIVES AND POLICIES –DRAINAGE SUB-ELEMENT

GOAL 1 – THE CITY SHALL CONTINUE TO IMPLEMENT A DRAINAGE AND STORMWATER MANAGEMENT POLICY THAT INCORPORATES THE NEED FOR AN EFFECTIVE DRAINAGE AND STORMWATER MANAGEMENT SYSTEM TO PREVENT RISK TO THE HEALTH AND SAFETY OF THE RESIDENTS AND DESTRUCTION OF PROPERTY FROM STORMWATER FLOODING AND TO PREVENT DEGRADATION OF SURFACE WATER AND GROUNDWATER QUALITY.

Objective 1.1 - Adequate stormwater management facility capacity shall be provided for all future developments through the capital improvements planning process.

Policy 1.1.1 - The following level of service standards shall be maintained as the basis for determining the availability of adequate facility capacity to serve any proposed development or redevelopment:

- For any new development, the 25-year frequency, 24-hour duration storm event shall not allow the post condition hydrograph to exceed the pre-condition hydrograph; and
- the first one-inch of rainfall on the site for each storm event shall be retained on site; and
- the peak discharge from the developed or redeveloped site resulting from a one-hundred-year frequency, 24-hour duration storm shall not exceed the peak discharge resulting from pre-existing conditions on the site.
- prior to discharge into natural or artificial surface waters, drainage from a site shall be "treated" to reduce the amount of pollutants to a level compatible with the current requirements of the St. John River Water Management District (SJRWMD).

Policy 1.1.2 Maintain and review the adopted procedures and guidelines to ensure that these levels of service standards shall be applied consistently and equitably. The Capital Improvements Plan shall be utilized as the principal mechanism in scheduling improvements identified in the Stormwater Master Plan while the Stormwater Utility Fee shall be chief funding source for stormwater implementation.

Policy 1.1.3 - Construction of new drainage facilities and correction or replacement of existing facilities shall be prioritized on the basis of the following guidelines:

- Level 1 - (highest priority) - whether the project is needed to protect public health and safety, to fulfill the City's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.
- Level 2 - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes in-fill development.
- Level 3 (lowest priority) - whether the project represents a logical extension of facilities and services within a designated service area.

Objective 1.2 Development activities shall be conducted to ensure the public safety and, at the same time, protect and enhance the surface water quality of the surface waters, the functioning values of wetlands, and other natural design features, and the aquifers recharge.

Policy 1.2.1 - New stormwater management systems shall be built consistent with best available technologies in the field of stormwater design and treatment.

Policy 1.2.2 - The City shall continue to perform field inspections of non-residential and residential development to ensure the stormwater system designs are built and function according to approved stormwater management plans.

Policy 1.2.3 - The utilization of Best Management Practices (BMPS') shall be required during road construction, urban development, and agricultural activities to protect natural water bodies and wetlands from pollutants and siltation.

Policy 1.2.4 - Sufficient water shall be retained on-site to support natural groundwater and surface water levels throughout the year, to allow aquifer recharge and avoid over draining natural watersheds

Policy 1.2.5 - Drainage and stormwater management systems shall use natural systems to the greatest extent possible, and land development modifications shall resemble natural features to the greatest extent practicable.

Policy 1.2.6 - The following criteria shall apply when considering applications for development activities that utilize wetlands as part of the stormwater management system

a. Stormwater outfalls from a development may be directed to the wetland only when free of debris and free of chemical pollutants and silt that will adversely impact wetlands, and only at rates that do not disturb vegetation or increase turbidity. Sheet flow and other overland drainage of runoff shall be controlled.

b. The proposed action shall not cause stormwater runoff on the wetland to take place at a rate that would exceed the natural rate.

c. The allowed total increased runoff, in combination with the total fill allowed, shall not cause total natural flood-storage capacity of the wetland to fall below, or fall below further, the projected volume of runoff on the whole developed wetland watershed generated by a 100-year frequency, 24-hour duration rainfall event.

Policy 1.2.7 - Owner/operators of stormwater management systems shall be effectively required to maintain their systems according to the requirements of their Development Orders and Building Permits.

Policy 1.2.8 - Open spaces shall be designed for multiple purposes and arranged to connect isolated wetlands so as to provide wildlife corridors and stormwater management conveyance.

Policy 1.2.9 - Existing natural drainage systems shall be incorporated into the development's stormwater management system consistent with the performance standards for protection of wetlands.

Policy 1.2.10 - Stormwater management systems shall be designed to ensure that post-development runoff does not exceed pre-development levels, in terms of the volume, rate, timing and pollutant load of runoff.

Policy 1.2.11 - Stormwater runoff shall be detained for a sufficient amount of time, as needed, to provide for the settling and filtration of pollutants to the maximum extent possible before discharging into a surface waterbody or recharging into the groundwater as required by State regulations.

Policy 1.2.12 - Discharge from drainage or mosquito control ditches directly to surface water bodies or open water streams shall be discouraged and minimized. Discharge into existing compatible wetlands or constructed retention basins that have been seeded and/or vegetated with wetland plant species shall be encouraged.

Policy 1.2.13 - Drainage or mosquito control ditches shall be constructed as ditches to meet requirements, with gently sloping sides not to exceed a 4:1 slope. The City will encourage the minimization of ditch construction, use of alternate methods of insect control, or restoration of areas currently drained by historical ditches.

Policy 1.2.14 - If an outfall from a dredged or excavated area is necessary to remove excess stormwater, then the outfall shall either be routed through a compatible wetland or a shallow retention basin constructed and seeded or vegetated with wetland plant species to act as a filter for runoff.

Policy 1.2.15 - Roads shall be placed to minimize the need for cut and fill, and all cut and fill banks shall be stabilized with minimum maintenance materials to prevent continuing erosion problems.

Policy 1.2.16 - Retention and detention facilities shall be constructed consistent with design and performance criteria which include: restricting public access; sloping and stabilization of banks; oil or grease contamination; use of wetlands for stormwater management and treatment shall be compatible with the ecological characteristics of such wetlands and shall not degrade the wetland by disrupting the normal range of water level fluctuations necessary for sustaining the natural hydro period of the wetland; and provisions, where appropriate, to utilize stormwater management systems for reclaimed water storage and/or augmentation.

Policy 1.2.17 - No development will be allowed that poses a threat of releasing harmful quantities of pollutants to surface waters during flooding.

Policy 1.2.18 - The LOS standards in accordance with the Capital Improvements Element, shall apply in the review of development activity

Policy 1.2.19 - Prior to construction, the City must receive and approve the applicant's proposal of the entity to be responsible for operation and maintenance of the permitted stormwater management system with the designation of the proposed entity. The City shall receive and approve a document enumerating enforceable affirmative obligations of the entity such as a homeowner's association, to properly operate and maintain the stormwater management system for its expected life. The documents may consist of a showing of compliance with the City's acceptance of portions of the system for maintenance; articles of incorporation for condominium or homeowner's association; or plat or deed restrictions apportioning maintenance responsibility.

Policy 1.2.20 - All detention system surface areas shall consist of a littoral zone that is available for biological assimilation of pollutants. The extent of littoral zone requirements will be based on the ratio of vegetated littoral zone to the surface area of the pond at the controlled elevation. The width shall ensure adequate filtration of surface water runoff, provide for control of erosion and sedimentation, and offer wildlife habitat areas.

Policy 1.2.21 - Dry retention areas shall have at least one foot of freeboard above the 25-year designated high water table.

Objective 1.3 - The City shall continue to review and revise accordingly its land use and development regulations to provide the specific and detailed provisions necessary to protect the functions of natural drainage features.

Policy 1.3.1 - Development shall be prohibited where it is determined that such development will reduce natural flood storage capacity, increase the extent or severity of flooding, contribute to water quality degradation, or cause other adverse drainage conditions

Policy 1.3.2 – Include provisions where applicable, to utilize stormwater management systems for reclaimed water storage and/or augmentation.

Objective 1.4 The City shall continue to administer, in a cost-effective and environmentally safe manner, drainage and stormwater management facilities and services consistent with the Land Development Regulations (LDR) as supported by the stormwater utility fee, user fees and impact fees. Existing deficiencies shall be corrected and the extension or increase in the capacity of the City drainage and stormwater management system shall be coordinated to meet existing and future needs as determined by the Stormwater Master Plan, to maximize the use of existing facilities, and to discourage urban sprawl.

Policy 1.4.2 – Priority for capital improvements shall be given to the correction of existing deficiencies as determined by the adopted Stormwater Master Plan.

Policy 1.4.2 – The City shall coordinate the extension of, or increase in, the capacity of drainage and stormwater management facilities with the needs of the public by ensuring that no development is approved unless the facilities are in place or scheduled to be in place concurrent with development and consistent with the adopted level-of-service standards.

NATURAL GROUNDWATER AQUIFER RECHARGE SUB-ELEMENT

GOALS, OBJECTIVES AND POLICIES – GROUNDWATER RECHARGE SUB-ELEMENT

GOAL 1 – TO PROTECT THE FUNCTIONS OF DESIGNATED NATURAL GROUNDWATER AQUIFER RECHARGE AREAS AS PROVIDED BY THE LAND DEVELOPMENT REGULATIONS.

Objective 1.1 - Maintain the natural characteristics and function of the Floridan and surficial (shallow groundwater) aquifers, including its potentiometric surface level and quality.

Policy 1.1.1 - The City shall regulate land use and development to protect functions of the designated recharge areas. Water supply, production facilities and C.U.P. capacity shall be available for new site plan and/or subdivision developments, prior to issuance of development orders.

Policy 1.1.2 - Prime groundwater recharge areas (defined pursuant to 373.095(3) and 373.0937, F.S.) and other recharge areas which have been identified by the ECFRPC or subsequently by the City ~~(pursuant to 9J-5.011(1)(g) and 9J-5.011(2) (c) 4, F.A.C.,~~ as necessary to maintain the quality and quantity of water in aquifers from which potable water supplies are drawn, shall be protected. Activities within recharge areas shall not reduce the volume of recharge (i.e., increase the total volume of post-development runoff), or reduce the quality of groundwater below State standards (Chapter 62, F.A.C., where applicable).

Policy 1.1.3 - No commercial or industrial mining shall be allowed in prime groundwater recharge areas identified by the SJRWMD pursuant to 373.095(3), F.S. or in the watersheds of surface waters used as potable water supplies in order to prevent potentially adverse effects on water quality.

Policy 1.1.4 – Land use planning and land development approvals shall reflect the limitations of available water supplies. The City shall continue to use its concurrency management system to limit development potential in accordance with available "raw water" production, treatment, distribution and permitted withdrawal capacity.

Objective 1.2 - The City shall coordinate with Federal, State, regional, and other local agencies to develop intergovernmental responses to groundwater.

Policy 1.2.1 - The City shall work with ~~the East Volusia Regional Water Authority (EVRWA) and~~ Volusia County to develop regulations on agricultural activities in recharge areas.

Policy 1.2.2 - The City shall participate in the development of groundwater basin management plans through ~~an~~ intergovernmental coordination ~~mechanism such as VCOG.~~

Policy 1.2.3 - The City will continue to review and comment in a timely manner on consumptive use permits issued by the SJRWMD.

Policy 1.2.4 - The City shall continue to collaborate with the St. Johns River Water Management District, US Geological Survey, and US Soil Conservation Service both in studying the surficial and Floridan aquifers and in determining the most appropriate actions to take in order to protect the resources.

Objective 1.3 - The City shall continue to review water conservation measures that encourage water conservation. The City shall follow all water conservation plans approved by the SJRWMD as part of the City's C.U.P.

Policy 1.3.1 - The Public Works and Utilities Department shall monitor per capita finished water consumption rates and shall develop an action plan to reduce per capita consumption if it exceeds by 25% the average gross per capita consumption of 100 gallons per day gpd.

Policy 1.3.2 – The City shall continue to utilize a variety of potable water conservation strategies and techniques in the design of ordinances and review of development which have been incorporated into the Land Development Regulations (LDR).

Policy 1.3.3 – The City shall cooperate with the SJRWMD in the enforcement of the provisions of WMD emergency water shortage plans.

Policy 1.3.4 – Potable water supplies shall be conserved to the maximum extent practicable through the continued implementation of water conservation techniques and programs. Such techniques and programs may include but are not limited to:

a. Development of programs and ordinances to require installation of water conserving plumbing fixtures in new or renovated building construction which are, at a minimum, consistent with the requirements of the State Water Conservation Act (553.14, F.S.).

b. The City shall continue to implement and expand its program to provide effluent reuse for irrigation, industrial use and other appropriate non-potable water use applications.

c. The City shall require new developments to install "dry lines" for reclaimed water distribution. Developments with greater than 100 units shall provide on-site storage and pumping, integrated with the stormwater management system. Under certain conditions, the developer may be allowed to contribute an equivalent value of the infrastructure to a reclaimed water construction fund if the development is not in an area scheduled to receive reclaimed water service.

Policy 1.3.5 – Non-potable water use demands shall be met using water of the lowest quality supply which is both available and acceptable for the intended application. Water reuse or water reclamation programs should be used, wherever economically and environmentally feasible, to reduce groundwater or surface water withdrawals for water use applications which do not require potable water.

Policy 1.3.6 – The City shall study the feasibility of using desalinization treatment to meet water use demands. Desalinization treatment should be employed where it can be shown to be economically feasible and environmentally sound.

Policy 1.3.7 – The City shall issue no development orders or development permits without first consulting appropriate water suppliers to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the City of a Certificate of Occupancy or its functional equivalent. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of Occupancy or its functional equivalent.

CHAPTER 5

COASTAL MANAGEMENT/CONSERVATION ELEMENT

GOALS, OBJECTIVES AND POLICIES - COASTAL MANAGEMENT/CONSERVATION ELEMENT

GOAL 1 - CONSERVE, PROTECT, AND RESTORE COASTAL NATURAL RESOURCES IN ORDER TO MAINTAIN AND ENHANCE NATIVE HABITATS, WILDLIFE DIVERSITY, AND SURFACE AND GROUNDWATER QUALITY.

Objective 1.1 - No land use or development that will degrade the quality of surface waters in and around the City of Holly Hill shall be permitted by the City.

Policy 1.1.1 - The City shall require all new development to comply with its Stormwater Management Plan and Conservation Ordinance which provides that drainage from a site shall be "treated" to reduce the amount of pollutants to a level compatible with the Florida Water Quality standards in ~~Chapter 17-3,~~ **the** Florida Administrative Code, before discharge into any surface water body.

Policy 1.1.2 - The City shall require the preservation of natural upland vegetative buffers adjacent to wetland areas and surface water bodies.

Policy 1.1.3 - Existing and new marinas shall not degrade water quality in the Halifax River. The following criteria shall apply in the implementation of this policy:

1) When new facilities are developed, non-water-dependent structures (such as bait and tackle shops and restaurants) shall be placed on suitable uplands.

2) New or expanded facilities shall utilize dry storage to the fullest extent possible.

3) Marinas containing live-aboard shall be inspected to ensure proper operation of marine sanitation devices.

4) Prior to operation of any new marina fueling facility, a fuel management/spill contingency plan will be developed. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a spill.

5) Sewer pump-out service shall be made available and accessible to all new boat slips constructed. Operation of all pump-out equipment shall be limited to trained personnel.

Objective 1.2 - The City shall continue to review and revise its land use and development regulations with consideration of the need to preserve natural vegetation.

Policy 1.2.1 - The City's land use and development regulations shall be revised to require landscaped buffers between incompatible land uses. Preservation of natural vegetation shall be preferred over replanting. Trees shall be protected from needless destruction and removal.

Objective 1.3 - Maintain the existing characteristics of the groundwater aquifer, particularly with regard to the quantity and quality of water now found there.

Policy 1.3.1 - The City shall continue to require new development to retain the "first inch" of rainfall on-site for eventual percolation into the groundwater aquifer.

Policy 1.3.2 - The City shall promote preservation and replanting of natural vegetation (xeriscaping) in all development projects in an effort to curb the use of non-native, poorly adapted vegetation which requires excessive irrigation.

Policy 1.3.3 - The City shall discourage the use of on-site sewage disposal systems, which have the potential, if over concentrated or not properly maintained, to pollute the groundwater aquifer.

Policy 1.3.4 - Non-potable water use demands shall be met using water of the lowest quality supply which is both available and acceptable for the intended application. Water reuse or water reclamation programs shall be used, wherever feasible, to reduce groundwater withdrawals for water use applications which do not require potable water.

Policy 1.3.5 – The City shall continue to deliver effluent for reuse as a component of its effluent disposal program to the maximum extent possible. This shall include 'dry line' requirements for new developments

Objective 1.4 – Promote a joint effort with Volusia County and the coastal municipalities, to adopt a Natural Resource Management Plan that will include a cooperative, coordinated procedure and administrative structure to ensure the long-term protection and enhancement of the natural upland and wetland habitats and associated wildlife of the coastal area.

~~**Policy 1.4.1** – The City shall provide representation on the County's Water and Soil Conservation District as a means of promoting this objective.~~

Policy 1.4.2 - The City recognizes that the natural coastal resources of one jurisdiction are often affected by activities occurring in adjacent jurisdictions, and that a coordinated, area-wide effort is necessary to adequately manage such resources. For this reason, the City shall cooperate to the greatest degree possible to achieve the area-wide goal to preserve and enhance the special coastal resources of the Volusia coastal area.

Policy 1.4.3 - Cooperate and coordinate with Volusia County, other coastal cities, state and regional agencies, and other interested parties in developing consistent standards, criteria and land development regulations for the preservation and enhancement of coastal resources.

Policy 1.4.4 - All proposed development activities known to adversely impact any threatened or endangered species or species of special concern shall be required to either appropriately mitigate such adverse impact or shall not be approved.

Policy 1.4.5 - Cooperate and coordinate with Volusia County, other coastal cities, state and regional agencies, and other interested parties in developing consistent standards, criteria and programs for the management and disposal of hazardous wastes, including identification and clean-up of hazardous waste dump sites and spills.

Objective 1.5 - Cooperate with Volusia County, other coastal cities and state and regional agencies, establish a comprehensive and continuing, estuarine water quality sampling and monitoring program to provide a reliable benchmark and trend data upon which to measure changes in water quality.

Policy 1.5.1 - The City shall use the information generated by this monitoring program to evaluate the success of water quality protection efforts and to determine where corrective action is needed.

Objective 1.6 - Maintain or increase the current acreage of wetland vegetation located within the City.

Policy 1.6.1 - The City shall monitor development activity in and adjacent to wetland areas to ensure that existing local, state and federal wetland preservation requirements are strictly enforced.

Policy 1.6.2 - The City may allow removal or destruction of existing wetland vegetation only when it is necessary to promote a greater public interest and when no reasonable alternatives are available. Such lost wetland areas will be replaced by high quality created wetlands in the same vicinity at a ratio of 2 acres of created wetlands to 1 acre of lost wetlands.

Policy 1.6.3 - The City shall encourage the implementation of a combined effluent reuse system with adjacent utility providers, including Ormond Beach, Daytona Beach and Volusia County.

Policy 1.6.4 – Water reuse or water reclamation programs shall be used to reduce groundwater and surface water withdrawals for water use applications which do not require potable water. This requirement includes dry lines for reclaimed water in new developments and the use of stormwater as a reclaimed water augmentation source, where feasible.

Policy 1.6.5 – The City will promote water conservation measures for existing and new development. These measures include water efficient landscaping practices, water main replacements to reduce leakage, require that irrigation systems owned by the City be equipped with rain sensors and/or soil moisture sensing devices, continue the use of individual meters, maintain a block rate structure, encourage customer compliance with SJRWMD's lawn and irrigation rules, participate in education programs, prohibit the use of water to freeze project pipes, co-sponsor a water conservation garden, and prohibit wasteful use of water.

Objective 1.7 - The City shall continue to review and revise its land use and development regulations to include, as may be necessary, specific provisions ensuring that development and redevelopment will not adversely impact living marine resources.

Policy 1.7.1 - Stormwater runoff (both before and after development) shall be treated to remove sediments and other pollutants prior to discharge into natural surface water bodies.

Policy 1.7.2 - Provisions shall be made to balance the discharge of stormwater into the Halifax River to maintain appropriate salinity levels for the maintenance and enhancement of living marine resources.

Policy 1.7.3 - Activities within the Halifax River that will adversely impact seagrass beds and other valuable submerged aquatic vegetation shall be prohibited, unless an overriding public benefit can be shown and adequate mitigation and monitoring measures are included. The criteria applicable in the implementation of this policy shall include, but are not limited to, the following:

1) Grass beds and other submerged habitat deemed valuable by the Florida Department of Environmental Protection (FDEP) would be subject to protection regardless of their size.

2) Proposed activities in an estuarine basin whose public interest benefits could be considered to justify alterations or adverse impacts shall, at a minimum, meet one or more of the following criteria:

a. The activity is necessary to prevent or eliminate a public hazard; and

b. The activity would provide direct public benefits that would exceed those lost to the public.

3) Unavoidable impacts to grass beds and other valuable submerged habitat may be mitigated through any means, which will result in no net loss of grass beds or other estuarine habitat. The method utilized (transplant, creation, etc.) will be determined in conjunction with the U.S. Fish and Wildlife Service (USFWS), and FDEP. The ratio for mitigation shall be no less than 2:1.

4) Mitigation shall take place within the limits of an area stipulated by FDEP.

5) If seagrass mitigation is determined by FDEP and USFWS not to be feasible other types of wetland vegetation may be substituted if deemed appropriate by FDEP and USFWS.

Objective 1.8 - The City shall apply within its limits all applicable rules and regulations of the ~~formulate and adopt a local manatee protection plan in conjunction with the~~ County's ~~proposed~~ ~~in~~ 2005 Manatee Protection Plan as updated by the addendum adopted by Volusia County Council in 2022.

Policy 1.8.1 - Development and redevelopment activities that may have an adverse impact on the West Indian manatee shall be prohibited.

Policy 1.8.2 - Marina operators shall be required to undertake the following manatee protection measures in areas manatees are known to visit:

1) Implement and maintain a manatee public awareness program (in conjunction with FDEP) which will include the posting of signs to advise boat users that manatees are an endangered species, which frequent the waters of the area and the provision of manatee literature at conspicuous locations;

2) Declare the waters in and around marinas as "idle speed" zones;

3) Install floating display flags at entrance channels to warn boaters when manatees are known to be in the area; and

4) Post telephone numbers to report injured manatees.

Objective 1.9 - Maintain air quality in the City of Holly Hill within the standards established by the Florida Department of Environmental Protection (FDEP) and the U.S. Environmental Protection Agency.

Policy 1.9.1 - Require businesses demonstrate that all necessary air quality permits have been approved, and all appropriate air pollution control devices have been installed, prior to occupancy.

Policy 1.9.2 - Whenever feasible, new development and redevelopment, including municipal road improvement projects as well as private development, shall be designed so as to encourage walking, bicycling and use of mass transit as alternatives to the use of private automobiles. In implementing this policy, the City shall review all development proposals with consideration of the need to provide, whenever appropriate, sidewalks, bicycle lanes, secure bicycle storage facilities, and bus turn-out bays and passenger shelters at bus stops.

Objective 1.10 - The City shall adopt Volusia County's regulations which protects water recharge areas and potable water wells located within the City's jurisdiction from contamination by threatening activities.

Policy 1.10.1 - Activities that are associated with any toxic and/or hazardous materials shall be prohibited within the cones of influence of potable water wells. Such cones of influence shall be determined on the basis of the best available scientific data and methods of analysis.

Objective 1.11 - The City shall protect, enhance, and improve the ambient surface water quality of the Halifax River.

Policy 1.11.1 - The City shall coordinate with the Florida Department of Environmental Protection, the St. Johns River Water Management District, the Ponce Deleon Port Authority, and other local governments in the maintenance of an on-going water quality sampling and monitoring program that identifies baseline conditions and standards as parameters to measure changes in water quality.

Policy 1.11.2 - The City shall, in cooperation with local, regional and State agencies, adopt standards to identify, monitor, and manage point and non-point pollution source discharges. This shall include, at a minimum, a review and update of all non-point source discharge permits, checking for accuracy and completeness.

Policy 1.11.3 - On-site waste treatment system facilities and drain-fields shall not be located within 75 feet of the 100-year floodplain; within 75 feet of an upland/wetland interface; or within 120 feet of the mean high-water mark of any surface water body, whichever is greater. On-site waste treatment systems should be located as far inland from a water body or wetlands as possible.

Policy 1.11.4 - The City shall continually enforce policies that require existing homes located on lots smaller than one acre and that have septic tank systems to connect to the City central sewer system when it is within 100 feet of the lot line. The City may create assessment districts, where appropriate, to retrofit a neighborhood with sewer lines and lift stations.

Policy 1.11.5 - The City shall continue to expand its effluent reuse program consistent with the St. Johns River Water Management District permit conditions and recommendations.

Policy 1.11.6 - The operation of the stormwater control utility and the retrofitting of stormwater outfalls shall comply with the recommendations of the adopted Stormwater Master Plan.

Policy 1.11.7 - The City shall coordinate with State, regional, and local agencies in permitting the construction of new marina facilities.

Policy 1.11.8 - In order to protect surface waters from the activities of adjacent property owners, the City shall educate residents regarding deliberate deposition of lawn debris, washing paint brushes, the use of fertilizers and chemicals or the storage of hazardous chemicals and fuel supplies in close proximity to water bodies. "Close proximity" shall be defined with regard to the proposed activity and the degree to which the adjacent water body is to be protected.

Objective 1.12 - The City shall promote the use of native drought-resistant vegetation in landscaping. The maximum amount of protection possible shall be provided for existing trees and other vegetation in order to assist in the control of flooding, soil erosion, dust,

heat, air, and noise pollution and to improve the appearance, environmental character, and value of the total urban area and to protect nearby properties.

Policy 1.12.1 - The City shall continue to promote and encourage xeriscape design concepts for landscaping single-family homes by providing builders, landscape designers, homeowners, and the general public with informational brochures describing xeriscape.

Policy 1.12.1 - The City shall require that at least 50% of the landscape vegetation used on a project reviewed by the Development Review Committee (DRC) be comprised of drought resistant native vegetation in harmony with site specific conditions.

Policy 1.12.1 - Vegetation on new City landscaping projects shall be comprised of at least 50% native drought resistant vegetation.

Policy 1.12.1 - All new development and expansions of existing development, except for single-family homes in an existing subdivision, shall provide for the protection of native vegetation on the site. Existing developments should utilize native plants in common areas (entranceways, pavilions) in instances where replanting or re-landscaping becomes necessary.

Policy 1.12.1 - Native vegetation shall be used to the maximum extent possible to meet landscaping and open space requirements.

Policy 1.12.1 - Exotic plant species, as listed as exempt species in the Land Development Regulations (LDR), shall be removed from development sites during the time of construction.

Objective 1.13 - Wetland areas within the City shall be preserved in accordance with the Land Development Regulations (LDR), which incorporates the need for wetlands preservation; directs incompatible uses away from wetland areas; and establishes standards for mitigation.

Policy 1.13.1 - It is the policy of the City to require proper planning to avoid or minimize damage to wetlands; to require that activities not dependent upon a wetland location be located at upland sites; to allow wetland losses only where all practicable measures have been applied; to reduce those losses that are unavoidable and in the public interest; and to provide for the protection of wetlands under the City's land development regulations to be implemented consistent with Section 163.3202, F.S.

Policy 1.13.2 - Land use planning and site design shall support development patterns which minimize the impact of development on wetland communities

Policy 1.13.3 - All development shall comply with wetland protection requirements of all Federal, State, and regional agencies.

Policy 1.13.4 - The City shall require a wetland permit for any development that proposes to alter a wetland system and the permit shall clearly show the proposed alteration and mitigation. A Wetland Management Plan shall be required for all development that may adversely affect wetland systems and the requirements shall be contained in the Land Development Regulations (LDR).

Policy 1.13.5 - The City shall maintain Land Development Regulations consistent with the minimum standards for wetland protection as approved by Volusia County. These standards address the identification of wetlands, mitigation requirements to ensure that

there is no net loss of wetlands within the City limits, and a minimum 25-foot-wide buffer upland and adjacent to wetlands requirements.

Policy 1.13.6 - All new development shall submit to the City a description of all watercourses, water bodies and wetlands on or adjacent to the site or into which surface waters flow. Information regarding their water quality and the current water quality classification, if any, given them by the Florida Department of Environmental Protection, Army Corps of Engineers, and the St. Johns River Water Management District shall be included.

Policy 1.13.7 - No development shall be approved unless it satisfies the provisions of the City's Land Development Regulations and the SJRWMD rules for Management and Storage of Surface Waters MSSW), Chapter 40C-4, F.A.C.

Policy 1.13.8 - The City shall encourage the incorporation of isolated wetlands into stormwater management systems as detention facilities to avoid the filling and excavating of wetlands. Whenever isolated wetlands are used for stormwater detention, hydroperiods and stage elevations shall be designed to maintain the existing natural wetlands community, except where permitting agencies agree that the imposition of conditions which favor a different plant community is more desirable for the purpose of providing habitat, improving water quality or enhancing other wetland values. In order to maintain the long-term viability of isolated wetlands used for retention, stormwater shall be treated to meet the general water quality criteria of c.62, F.A.C., prior to its discharge in isolated wetlands.

Policy 1.13.9 - The City shall continue to investigate methods to safely utilize wetlands to further treat treated wastewater as an alternative to discharging effluent into the surface waters of the City.

Policy 1.13.10 - The applicant shall take positive steps to correct or mitigate any unnecessary degradation of water or wetland quality caused by site development as determined by St. Johns River Water Management District, the Florida Department of Environmental Protection, the Army Corps of Engineers, or the City.

Policy 1.13.11 - Roadway designs in or near wetland areas will provide for the capture and diversion of stormwater runoff from roadway surfaces in wetland areas to upland stormwater retention/detention ponds for treatment prior to discharge into receiving water bodies.

Policy 1.13.12 - On-site wastewater treatment systems shall not be allowed within 75 feet landward of the upland/wetland interface or the 100-year floodplain boundary or within 120 feet of the shoreline edge, whichever is more restrictive.

Policy 1.13.13 - No wells shall be allowed to be constructed in wetlands.

Policy 1.13.14 - The City shall prohibit construction projects utilizing any dewatering process from discharging into a designated wetlands area.

Policy 1.13.15 - Wetlands shall not be used as primary sediment traps during development. No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and the wetlands.

Policy 1.13.16 - The City shall prohibit direct discharge of stormwater into wetland areas.

Policy 1.13.17 - The minimum distance between the edge of each stormwater retention/detention pond and adjacent wetlands shall be 300 feet, unless the St. Johns River Water Management District accepts tests, calculations or other information furnished by the applicant through the permitting process which clearly demonstrates that deviation from the 300 feet distance would not degrade the wetlands in any way.

Policy 1.13.18 - Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Wetlands should not be damaged by the construction of detention ponds.

Policy 1.13.19 - Retention and detention ponds shall be used to retain and detain the increased and accelerated runoff which the development generates. Water shall be released from detention ponds into wetlands at a rate and in a manner approximating the natural flow which would have occurred before development.

Policy 1.13.20 - Proposed activities which would destroy or degrade the function of wetlands shall not be permitted except where such activities are not contrary to the public interest and where there is no practical alternative which reduces or avoids impacts to wetlands. Unavoidable losses of viable wetlands should be mitigated through the demonstrably successful restoration, creation or (where no other alternative is feasible) preservation of wetlands.

Policy 1.13.21 - The purpose of mitigation is to offset unavoidable environmental impacts. Mitigation plans should consider the function of existing natural resources and provide comparable functions after mitigation is completed. Mitigation plans should maximize the preservation of existing natural resources. The mitigation plans shall consider the following methods, in order of priority in which they should be utilized:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

e. Compensating for the impact by replacing or providing substitute resources or environments through creation of new wetlands, enhancement of existing wetlands or re-establishment of wetlands or significant upland areas which are no longer functioning due to significant alteration in the past.

Policy 1.13.22 - Where all or part of a wetland is destroyed or substantially altered by development, an acceptable mitigation plan shall include at least:

a. Compensatory wetland mitigation ratios shall be consistent with the ratio established for each wetland classification. Wetland-to-wetland compensation should be like kind replacement, i.e., saltwater system for saltwater system, freshwater for freshwater where practicable;

b. Specific design requirements based upon conditions of the site and the type of wetland to be treated or restored;

c. Periodic monitoring to remove exotic or nuisance vegetation;

d. Monitoring and replacement to assure a survival rate of 80% wetland vegetation for a minimum of three (3) years; and

e. An upland habitat as an adjacent buffer on mitigated sites.

Policy 1.13.23 - An acceptable mitigation plan shall be reasonably and technically feasible. Mitigation through restoration of other degraded wetlands or preservation of significant upland areas is preferred over wetland creation.

Policy 1.13.24 - Mitigation shall take place as follows (ranked in preference): (1) on site or (2) in close proximity and within the same drainage basin or (3) an approved mitigation bank.

Policy 1.13.25 - A mitigation plan approved by a Federal, State or regional agency shall be presumed to be acceptable provided, however, if no such mitigation plan is required by the approved permit from the Federal, State, or regional agency, then the local government may at its option adopt a mitigation plan in compliance with this section.

Policy 1.13.26 - An applicant who carries out a compensatory mitigation plan shall at least grant to the City a conservation easement on the newly created or restored wetland and buffer or preserved significant upland area to protect it from future development. A legal mechanism which protects the area in perpetuity other than a conservation easement may be deemed appropriate on a case by case basis to carry out the purpose of the subsection.

Policy 1.13.27 - The City shall utilize the Uniform Mitigation Assessment Method (UMAM), pursuant to Section 62-345, F.A.C., to determine the amount of mitigation needed to offset a wetland impact.

Objective 1.14 - Promote energy conservation techniques such as the use of alternative and renewable energy sources thereby increasing energy efficiency.

Policy 1.14.1 - Encourage the production and use of energy generated from renewable resources.

Policy 1.14.2 - The built environment and urban design should maximize natural areas and assets and incorporate Florida Friendly landscaping to reduce energy and water consumption.

Policy 1.14.3 - Create, protect and manage systems of green infrastructure (i.e., urban forests, parks and open spaces, green roofs, natural drainage systems).

Policy 1.14.4 - Protect and enhance green spaces to provide natural carbon sinks in soils, vegetation, and streambeds to mitigate carbon emissions.

Policy 1.14.5 - Encourage site design techniques that restore natural "green infrastructure" (i.e., urban forests, parks and open spaces, natural drainage systems) instead of relying solely on engineered systems that require higher energy and carbon inputs.

GOAL 2 - PRESERVE AND EXPAND OPPORTUNITIES FOR THE GENERAL PUBLIC TO USE AND ENJOY THE HALIFAX RIVER AND OTHER NATURAL RESOURCE AREAS WITH SIGNIFICANT RECREATIONAL POTENTIAL.

Objective 2.1 - Maintain existing acreages and facilities, which provide for public access to coastal recreational resources.

Policy 2.1.1 - The City shall maintain and develop public access to coastal recreational resources in accordance with the Open Space and Recreation Element of the Comprehensive Plan.

Policy 2.1.2 - Existing dedicated public rights-of-way, which provide access to the river, or any other significant coastal resource shall not be vacated by the City, and shall be improved to permit convenient public access.

Objective 2.2 - Reserve not less than 5 percent of the total river frontage within the City for water-dependent uses; not less than 40 percent for water-enhanced uses; and no more than 5 percent for uses that do not benefit from a waterfront location.

Policy 2.2.1 - The City shall review its zoning regulations and revise them as necessary to ensure that Objective 2.2 will be met.

Policy 2.2.2 - The City shall review its zoning regulations and revise them as may be necessary to prohibit uses on waterfront properties that will have a significant adverse impact on coastal resources.

Policy 2.2.3 - The City shall discourage the use of waterfront properties by uses that are not dependent on or enhanced by a waterfront location.

Policy 2.2.4 - New marinas shall be permitted only in accordance with the East Central Florida Regional Planning Council's (ECFRPC) Marina Siting Criteria.

GOAL 3 - REDUCE THE EXPOSURE OF LIFE AND PROPERTY TO THE HAZARDS OF EROSION, FLOODING, SEA LEVEL RISE, AND STORM SURGE, BY ELIMINATING INAPPROPRIATE AND UNSAFE DEVELOPMENT, AND MITIGATING FLOOD RISK TO EXISTING AND FUTURE DEVELOPMENT IN THE COASTAL AREAS THAT ARE OF HIGH RISK OF FLOODING DUE TO STORM SURGE, HIGH TIDE EVENTS, FLASH FLOOD, STORMWATER RUNOFF AND SEA LEVEL RISE AS OPPORTUNITIES ARISE.

Objective 3.1: The City shall maintain, review and update the post-disaster redevelopment plan.

Policy 3.1.1 - Uses and structures permitted in the coastal high-hazard area will as much as is feasible, include only those able to withstand a Category 3-5 storm without serious damage.

Policy 3.1.2 - The City shall not expend public funds for infrastructure improvements that will subsidize or otherwise encourage new development or redevelopment in the coastal high-hazard area, except as may be necessary to preserve human life or health or enhance public access to coastal recreation.

Objective 3.2: **Provide for the conservation and protection of wildlife, fisheries, and their habitats**:

Policy 3.2.1: Based upon data and research contained in the Volusia County Manatee Protection Plan, the City shall not allow more than 595 motorized boat slips to exist along the Halifax River shoreline, including both existing and future slips.

Policy 3.2.2: Single-family residential lots with Halifax River frontage shall be guaranteed their riparian rights to have a maximum of one motorized boat slip per lot.

Policy 3.2.3 The City shall prohibit boating service or storage operations which provide commercial "dry storage" for motorized boats along the Halifax River shoreline.

Objective 3.3 - The City shall continue to review development proposals and establish programs to balance the functioning values of the Halifax River in order to maintain an optimum combination of aesthetic, ecological, recreational, and historical resources.

Policy 3.3.1 - On a continuing basis, the City shall coordinate the identification and protection of significant archaeological, ecological, historical, and paleontological sites under and along the Halifax River with other agencies and private organizations. This shall include promoting studies by colleges, universities, and researchers and requiring archaeological studies by developers for projects in areas that may contain significant resources.

Policy 3.3.2 - In order to effectively monitor the effects of development activities on surface water conditions, the applicant or its successors shall provide, as determined by the City, the establishment and operation of a surface water and wetland biological monitoring program.

Policy 3.3.3 - In calculating maximum potential density or maximum permitted density for any given parcel of property, such calculations shall be exclusive of that portion of the property which is considered to be submerged lands.

Objective 3.4 - Flood damage prevention shall be accomplished through restricting new development from obstructing the flow of water and increasing flood heights within a floodplain. To offset any loss of flood storage capacity, compensatory storage is required for new fill, or other obstruction, put in the floodplain by providing an at least equal volume to replace the lost flood storage volume.

Policy 3.4.1 - The City shall protect the natural functioning values of the floodplains to the maximum extent feasible through wetland buffer requirements, compensatory storage, conservation easements and tree protection ordinances.

Policy 3.4.2 - The City shall require all new development occurring within the 100-year floodplain to provide for the protection of adjacent properties.

Policy 3.4.3 - The City shall regulate the deposition of fill material within a floodway in order to prevent damage to the public, as an uncontrolled river may, at flood state, pose a threat to life and property in excess of that anticipated by the 100-year storm in the floodway fringe areas.

Policy 3.4.4 - Sites for the creation of compensatory storage volume, commensurate with any flood storage volume lost as a result of development activities (including roadways) in the 100-year floodplain, shall be on the same or adjacent site or within the same hydraulically connected basin in order to provide for effective storage volume within the floodplain, but shall not be located within land areas identified for preservation purposes, such as wildlife corridors, or as being within the jurisdictional wetland limits of regulatory agencies, except for the purpose of providing pretreated stormwater storage capacity.

Policy 3.4.5 - Special Flood Hazard Areas shall be interpreted as that portion of the site lying within the boundaries of the 100-year floodplain based on the Official Federal Emergency Management Agency Flood Insurance Study and corresponding Flood Insurance Rate Maps.

Policy 3.4.6 - The City shall ensure that fill material or other structures do not adversely obstruct the movement of floodwaters natural overland sheet-flow or pose a threat to the public health, safety, and welfare.

Policy 3.4.7 - Areas not filled within the floodplain are to be generally left in their natural state. However, such areas may be used to meet landscaping and/or retention requirements, provided that the design of development is consistent with City codes and standards.

Objective 3.5 - All development shall continue to be reviewed in accordance with the floodplain management criteria of the City's Flood Hazard Area section of the Land Development Regulations as amended, and other applicable policies as contained within the Code of Ordinances and the Comprehensive Plan.

Policy 3.5.1 - The City shall constantly enforce the flood hazard provisions of the Land Development Regulations (LDR) which shall contain, at a minimum, provisions for:

a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

c. c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Policy 3.5.2 - The City shall continue to develop and enforce a floodplain management program that balances the public interest in regulating the use of private property against the interests of private landowners.

Policy 3.5.3 - The City shall continue to participate in the National Flood Insurance Program.

Policy 3.5.4 - All development, rezoning, and changes in land classifications shall be reviewed and measured against the environment's capacity to accommodate such action and the extent of harm which the proposed development, rezoning and change in land use may impose upon the established and proper use of neighboring lands.

Policy 3.5.5 - Floodplains whose functional values have been degraded or destroyed through human intervention should be restored, if possible, by acquisition of historic floodplain lands. Various state, regional and local land acquisition programs shall be used for this purpose.

Policy 3.5.6 - The City shall perpetually enforce the flood hazard provisions of the Land Development Regulations (LDR) and amend it as necessary to incorporate recently updated flood insurance studies and flood insurance rate maps and to further bring it into full compliance with revisions of the national flood insurance program floodplain management criteria.

Policy 3.5.7 - All new public buildings and infrastructure shall be located outside the 100-year floodplain to the maximum extent feasible. Appropriate flood proofing measures shall be undertaken for any public buildings located within the floodplain. Any pump stations or other electrical and mechanical equipment shall be designed to be protected from physical damage by the 100-year flood.

Policy 3.5.8 - The City shall coordinate its floodplain management programs with appropriate Federal, State, regional, and local governments.

Policy 3.5.9 - The City shall require redevelopment be consistent with or more stringent than the flood resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R., Part 60, as amended.

Policy 3.5.10 - The City shall require that any construction activities seaward of the coastal construction control lines established pursuant to F S 161 053 be consistent with Chapter 161, as amended.

Policy 3.5.11 - The City shall continue to participate in the Community Rating System (CRS) administered by the Federal Emergency Management Agency (FEMA) to achieve flood insurance premium discounts for residents.

Objective 3.6 - The Coastal storm area shall include the following areas:

- The Coastal High Hazard Area (CHHA) and
- Areas of the City projected to be inundated by sea-level rise as early as 2040 through 2100 based on maps developed by the East Central Florida Regional Planning Commission.

Objective 3.7 - The City shall continue to include development and redevelopment principles, strategies, and engineering solutions, that reduce the flood risk in coastal areas which result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Policy 3.7.1 - Implement as opportunities arise, the recommendations of East Central Florida Regional Resiliency Action Plan – as adopted by the Volusia council in July 2019.

Policy 3.7.2 - Implement as opportunities arise, the approaches outlined in Resilient Volusia County 2017 of Accommodation, Protection, and Retreat, when considering options in addressing vulnerabilities and risk in planning for sea level rise. Incorporate strategies shown in Table 14 of the USACE Technical Letter 1100-21-1 into the City's flood management plan.

Policy 3.7.3 - The City will coordinate with FDOT or the River to Sea Transportation Planning Organization, in relation to identifying and addressing vulnerable/at risk transportation infrastructure using the best available data and tools to assist FDOT to implement the goal of providing an agile, resilient and quality transportation infrastructure system.

Policy 3.7.4 - The City shall review its Land Development Regulations and update as necessary to include elevated grade surfaces, elevated structures, floodable development, increased buffers and setbacks, higher floor elevations and incorporation of natural infrastructure for increased resilience.

Policy 3.7.5 - The City will coordinate with Volusia County or The East Central Florida Regional Planning Commission, to review the need to designate Adaptation Action Areas

(AAAs) within the City, per Florida State Law, in order to: a. Identify areas of significance that are vulnerable to the impacts of rising sea level; b. Identify and implement adaptation policies to increase community resilience; and c. Enhance the funding potential of infrastructure adaptation projects.

Policy 3.7.6 - The City will coordinate and participate with Volusia County on updates to climate related policies and maps, which will be updated at a minimum every 5 years based on best available data.

Policy 3.7.7 - The City will implement as needed, and continue to implement, adaptation strategies such as:

- Continue to move forward with plans to repair/replace existing stormwater piping and building new stormwater infrastructure.

- The City will implement a backflow prevention system along the Intracoastal area on Riverside Drive where an analysis indicates regular flooding of the road along the Intracoastal Waterway.

- The City will continue with the design and construction of a stormwater drainage system on Flomich Street and Alabama Avenue.

- The City will continue to implement its annual pipelining program to reline pipes as needed in order to improve the City's stormwater flow.

Policy 3.7.8 - The City shall continue to upgrade its stormwater infrastructure through drainage improvements, installation of tidal backflow preventers, and seawall repair in addition to sustainable flood management actions such as use of pervious pavement and maintenance of natural preservation areas.

Policy 3.7.9 - In the Coastal Storm Area and areas inundated by a Category 2 hurricane as depicted by the SLOSH model, the City shall not allow variances that are feasibly avoidable when such variances will contribute to flood risk.

Policy 3.7.10 - The City shall continue to consider, whenever feasible, purchasing properties in areas most vulnerable to destructive storm surges for recreation uses and open space.

Policy 3.7.11 - As updates are made to the City's comprehensive plan, flood policy will be dispersed throughout its plan elements as appropriate.

Policy 3.7.12 - Support local and regional mapping, modeling and monitoring programs to assure the most current and locally-specific data on climate change vulnerability and sea-level rise is available.

Policy 3.7.13 - The City will implement as opportunities arise, Volusia County's FEMA-approved Local Mitigation Strategy to reduce damage in areas of repetitive loss due to flooding.

Policy 3.7.14 - Available flood elevation certificates shall continue to be made available to the public.

Policy 3.7.15 - The City will continue to implement its Stormwater Management Master Plan as updated in January 2015, which provides guidance for the reduction of flooding and increased water quality as a result of stormwater runoff.

Policy 3.7.16 - The City shall provide adequate funding to continue to implement City projects and programs funded by Stormwater Utility Fees to reduce hazards associated with flooding.

Policy 3.7.17 - The City shall continue its Drainage System Maintenance Program which involves storm drain cleaning, mowing of City rights-of-way, swale areas, street sweeping and cleaning clogged drainage systems.

Policy 3.7.18 - The City shall continue flood inspections which are used to prioritize various drainage projects being designed for construction improvements.

Policy 3.7.19 - The City shall encourage the design and construction of Capital Improvement Projects that require the use of proven methods in the design of drainage systems that will provide flood protection, add water quality improvements to the system, and to reduce pollution found in stormwater runoff.

Policy 3.7.20 - As part of the development application review process, the City engineer shall review the stormwater management designs of private developers.

Policy 3.7.21 - The City shall continue to work with local, state and federal partners, to target repetitive loss properties for possible acquisition or mitigation of flood hazard through hard and soft structural, and non-structural adaptation strategies including elevating existing structures.

Policy 3.7.22 - If feasible, no public buildings shall be constructed within the 100-year flood with the exception of minor structures including public restrooms and picnic shelters which are customarily provided to support recreation and open space activities, and pedestrian access facilities.

Policy 3.7.23 - The City shall collaborate with stakeholders at least every 5-years, or earlier, to analyze the best available data and maintain efforts to identify and understand the risks, vulnerabilities, and opportunities for resiliency strategies within the updated planning horizons.

Objective 3.8 - The city shall encourage the use of best management practices, development and redevelopment principles, strategies, and engineering solutions, that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA).

Policy 3.8.1 - To gradually remove real property from flood zone designations, the City shall encourage where feasible, the strategic relocation of such properties to safer areas and direct new development away from vulnerable areas.

Policy 3.8.2 - Where possible the City will consider the acquisition of severe repetitive loss properties, which have sustained repeated flood losses for use as public open space.

Policy 3.8.3 - The City shall continue to use the Future Land Use Map and best available data mapping tools provided by such agencies as the National Oceanic and Atmospheric Administration (NOAA), as the basis for development and redevelopment in areas of the City that are at high risk for high-tide events, storm surges, flash floods, storm water runoff and sea level rise.

Objective 3.9 - The City shall continue to identify site development techniques and best management practices that may reduce losses due to flooding and claims made under flood insurance policies issued in the state.

Policy 3.9.1 - The City shall continue to work with local, state and federal partners to target repetitive loss properties for possible acquisition or mitigation of flood hazard through hard and soft structural, and non-structural adaptation strategies including elevating existing structures.

Policy 3.9.2 - Site plan review criteria shall consider location, site design, land use types, density and intensity of uses, landscaping, and building design for impacts or potential mitigation effects from sea-level rise and other future flood hazard scenarios.

Policy 3.9.3 - Strongly discourage plan amendments that would place additional residential and non-residential development at risk of flooding from sea-level rise and promote where feasible the clustering of development and the transfer of density/intensity of uses to increase contiguous pervious surface, in order to address flood impacts.

Policy 3.10.4 - The City shall require that new development and redevelopment in areas that are of high risk of flooding due to storm surge, high tide events, flash flood, stormwater runoff, and sea level rise incorporate building design specifications, engineering solutions, site development techniques, and management practices that reduce risk and losses due to flooding.

Policy 3.9.5 - The City shall prohibit the location of critical infrastructure when feasible in the Coastal Storm Area and the area inundated by a Category 2 hurricane as depicted by the SLOSH model.

Policy 3.9.6 - The floodplain administrator/building official shall review all permit applications to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development site is in a flood hazard area, all site development activities, new construction, and substantial improvements shall be designed and constructed with methods, practices and materials, that minimize flood damage.

Policy 3.9.7 - The City will continue to require the use of erosion and sediment control during construction and project development activities.

Policy 3.9.8 - In order to reduce losses due to flooding and claims made under flood insurance policies, the City will use site development techniques and best management practices such as:

- Low impact development
- Use of native vegetation
- Pervious surfaces
- Land Development Code updates
- Comprehensive Plan updates
- Encourage the removal of impervious surfaces as opportunities arise
- Principles, strategies, and engineering solutions to reduce flood risk in coastal areas
- Utilize vegetation and natural features to minimize surface runoff and reduce flood risks
- Open space preservation

- Increased setbacks and buffers
- Landscape retention areas

GOAL 4. HURRICANE EVACUATION/COASTAL FLOOD HAZARDS THE CITY SHALL PLAN AND IMPLEMENT PROGRAMS AND DEVELOPMENT REGULATIONS TO LESSEN THE IMPACT OF A DESTRUCTIVE STORM ON THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING PUBLIC FACILITIES AND NATURAL RESOURCES.

Objective 4.1 - The City shall implement an effective public information program to inform the public of hurricane vulnerability zones, hurricane evacuation plans, and post-disaster redevelopment programs, as implemented by the City's Comprehensive Emergency Plan.

Policy 4.1.1 - Any public relations program explaining to the coastal residents the potential threat from hurricane hazards will be coordinated with the schools, hospitals, Chamber of Commerce, assisted living facilities, day care centers, and local, regional, State, and Federal governments.

Policy 4.1.2 - The City shall continually ensure that collateral materials, such as brochures, posters, and hurricane tracking maps are available for distribution to the general public.

Policy 4.1.3 - All condominiums, timeshare resorts, hotels/motels, apartments, subdivisions, and redevelopment projects shall properly notify all residents of potential flood hazards and hurricane evacuation routes.

Policy 4.1.4 - Timeshare resorts, hotels/motels, and condominiums shall display hurricane warning and evacuation information material in a prominent place.

Policy 4.1.5 - The City shall continue to implement a City-prepared Local Comprehensive Emergency Management Plan as approved by the City Commission.

Policy 4.1.6 - The City Fire department shall maintain an inventory all sites where hazardous waste may be generated, stored, or transported and which are located on the barrier island and in the hurricane vulnerability zone. The City will also coordinate with County, Regional, State, and Federal jurisdictions to ensure that hazardous substances are properly managed and stored to prevent contamination during a coastal storm event.

Policy 4.1.7 - The current Local Comprehensive Emergency Plan shall be modified as necessary by appropriate staff to comply with the Policies under this Objective, and shall contain step-by-step details for post disaster recovery operations.

Objective 4.2. The City shall maintain the Coastal Evacuation time, as adopted, based on a level-of service standard D during time of hurricane in any category storm.

Policy 4.2.1 - A level-of-service standard shall be maintained, defining 14 hours as the maximum time to evacuate the population-at-risk within the City's hurricane vulnerability zone and defining 6 hours as the maximum clearance time as implemented in the Land Development Regulations.

Policy 4.2.2 - The City will make all efforts possible to ensure that evacuation orders are issued in a timely manner to ensure the safe and orderly evacuation of the population. Orders should be issued at least 14 hours before projected hurricane landfall.

Policy 4.2.3 - Land development-decisions, as regulated by the Land Development Regulations, affecting the hurricane vulnerability zone shall consider the impact to

evacuation times. Consequently, no development order shall be issued if the impact of such development reduces the levels-of-service below an acceptable level, unless mitigation is provided.

Policy 4.2.4 - All new development located in the Hurricane Vulnerability Zone shall prepare a report indicating the impact of such development on the hurricane evacuation time standards as implemented by the Land Development Code.

Objective 4.3. Public facilities and infrastructure shall be constructed and maintained in order to protect the public health, safety, and welfare during coastal storm events.

Policy 4.3.1 - Future roadway improvements shall minimize the impact of flooding and storm damage on evacuation route facilities.

Policy 4.3.2 - In cooperation with other governmental agencies, the City shall ensure evacuation routes are designated in such a way as to distribute traffic demand to provide optimum utilization of available roadway facilities.

Policy 4.3.3 - Public expenditures shall be prohibited that will encourage new development inside the Coastal High Hazard Area (CHHA), unless the expenditures are consistent with policies specifically identified in the Coastal Management/Conservation Element or cross-referenced to another appropriate element, and included in the Capital Improvements Element. This prohibition does not include: expenditures associated with redevelopment or development of properties in accordance with previously approved subdivisions or site plans; public access and recreation facilities; or resource restoration projects and facilities.

Policy 4.3.4 - If constructed, all public facilities in the Coastal High Hazard Area shall be flood proofed to minimize damages from storms and hurricanes.

Policy 4.3.5 - The City shall continually update and maintain a contingency and management plan in the event of significant damage to the municipal wastewater treatment plant.

Policy 4.3.6 - The City shall continually participate in a "hazard identification and vulnerability assessment" study of public infrastructure in the Coastal High Hazard Area. Capital improvement programming and land development regulations shall be adopted or revised, as necessary, to establish a continuing program of hurricane mitigation.

Policy 4.3.7 - If feasible, and where State funds are anticipated to be needed, public infrastructure presently within the Coastal High Hazard Area shall be relocated outside of said area when repairing/replacing the infrastructure. If relocation of the infrastructure is deemed by the City to not be feasible, any reconstruction or repair of the infrastructure necessitating State funds shall be designed as to be consistent with the provisions of the Coastal Management/Conservation Element.

Objective 4.4 - In cooperation with the American Red Cross, Volusia County, and other governmental agencies, the City shall designate hurricane evacuation shelters to protect the population in the region-wide Hurricane Vulnerability Zone.

Policy 4.4.1 - In cooperation with the American Red Cross, Volusia County, and other governmental agencies, the City shall maintain hurricane emergency shelter facilities to accommodate at least 23% of the population in the Hurricane Vulnerability Zone, based upon a standard of 40 square feet of shelter space per person.

Policy 4.4.2 - New hurricane emergency shelter space shall not be located in the Hurricane Vulnerability Zone.

Objective 4.5 - The City shall follow the provisions of the County Post-Disaster Relief Plan and the City's Comprehensive Management Plan during post-disaster redevelopment efforts. If necessary, amendments may be made to the Comprehensive Plan based upon updated Post-Disaster Relief Plans as they occur.

Policy 4.5.1 - The Post-Disaster Relief Plan shall include: the identification of land areas that should not be reconstructed; abandonment and/or relocation of buildings, rebuilding of public facilities; and reconstruction with structural modifications.

Policy 4.5.2 - The Post-Disaster Relief Plan shall establish principles for repairing, replacing, modifying, or relocating public facilities in the Hurricane Vulnerability Zone.

Policy 4.5.3 - The City's Comprehensive Emergency Management Plan for post-disaster relief in the form of disaster assessment, the provision of temporary housing, and the provision of individual assistance shall be coordinated with the appropriate governmental agencies and shall be updated as needed.

Policy 4.5.4 – Within 24 hours after a hurricane, the City Commission ~~shall~~ may meet to hear preliminary damage assessments, appoint a Recovery Task Force, and consider a temporary moratorium on building activities not necessary for the public health, safety, and welfare.

Policy 4.5.5 - The Recovery Task Force shall include the City Manager, City Planner, City Engineer, Chief Building Official, City Attorney, Facilities Maintenance Manager, Police and Fire Chiefs, Public Works Director, and other members as directed by the City Commission. Staff shall be provided by the departments whose directors sit on the Task Force.

Policy 4.5.6 - The Recovery Task Force shall: review and decide upon emergency building permits; coordinate with State and Federal officials to prepare disaster assistance applications; analyze and recommend to the City Commission hazard mitigation options including reconstruction or relocation of damaged public facilities; design a redevelopment plan; and recommend amendments to the Comprehensive Plan, Local Comprehensive Emergency Plan, and other appropriate policies and procedures.

Policy 4.5.7 - Immediate repair and cleanup actions needed to protect the public health and safety include repairs to potable water, wastewater, and power facilities; removal of debris; stabilization or removal of structures about to collapse; and minimal repairs to make dwellings habitable. These actions shall receive first priority in permitting decisions. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its task.

Policy 4.5.8 - The Recovery Task Force shall propose Comprehensive Plan amendments which reflect the recommendations in any interagency hazard mitigation reports or any other reports.

GOAL 5. SUSTAINABILITY: THE CITY SHALL PROVIDE FOR THE PROTECTION AND SENSITIVE USE OF NATURAL RESOURCES THROUGH DEVELOPMENT REGULATIONS AND PUBLIC PROGRAMS.

Objective 5.1 - Promote energy conservation techniques such as the use of alternative and renewable energy sources thereby increasing energy efficiency.

Policy 5.1.1 - Encourage the production and use of energy generated from renewable resources.

Policy 5.1.2 - The built environment and urban design should maximize natural areas and assets and incorporate Florida Friendly landscaping to reduce energy and water consumption.

Policy 5.1.3 - Create, protect and manage systems of green infrastructure (i.e., urban forests, parks and open spaces, green roofs, natural drainage systems).

Policy 5.1.4 - Protect and enhance green spaces to provide natural carbon sinks in soils, vegetation, and streambeds to mitigate carbon emissions.

Policy 5.1.5 - Encourage site design techniques that restore natural "green infrastructure" (i.e., urban forests, parks and open spaces, natural drainage systems) instead of relying solely on engineered systems that require higher energy and carbon inputs.

GOAL 6. AIR QUALITY: MAINTAIN THE PRESENT HIGH LEVEL OF AIR QUALITY FOR HUMAN HEALTH, SAFETY, AND WELFARE, AND PROTECTION OF THE NATURAL ENVIRONMENT.

Objective 6.1. Prevent the degradation of the City's air quality below baseline standards.

Policy 6.1.1 - No industrial or commercial business which emits air pollutants which would degrade the City's ambient air quality will be permitted unless it can be proven to the City that all available pollution control devices and practices will be installed as a part of the development upon occupancy.

Policy 6.1.2 - The City shall encourage alternative modes of transportation by promoting the use of bicycles by building more bike lanes, bike paths, and bike racks, and requiring more improved pedestrian sidewalks.

Policy 6.1.3 - New facilities housing the young, the elderly or the handicapped shall be prohibited from locating near point air pollution sources and vice versa. Playgrounds and active recreation areas shall also be located a safe distance from these sources.

Policy 6.1.4 - Construction, excavation, and land clearing activities shall minimize the exposed ground surface area. Any area that is to be exposed for an extended time period shall be mulched or sodded.

Policy 6.1.5 - Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities.

Policy 6.1.6 - The City shall continue to require all buildings scheduled for demolition or renovation be surveyed by the applicant for the presence of asbestos. Asbestos shall be removed prior to demolition. Any asbestos removal and disposal shall be performed by a contractor licensed by the Florida Department of Professional Regulation.

Policy 6.1.7 - The City shall enforce ~~Section 104.1.10 of~~ the currently adopted Florida Building Code in regard to asbestos removal during demolition or construction activities.

GOAL 7. MINING AND MINERALS: MINING EXTRACTION ACTIVITIES SHALL BE CONDUCTED IN A MANNER THAT MINIMIZES IMPACT ON THE ENVIRONMENT AND SURROUNDING LAND USES.

Objective 7.1. Mineral extraction activities shall be accomplished in a manner consistent with applicable aesthetic, engineering, environmental, health, noise, recreation, and safety standards.

Policy 7.1.1- The City shall maintain the provisions of the Land Development Regulations concerning effective mineral extraction to achieve the following: The City shall achieve an aesthetically pleasing landscape compatible with adjacent land uses and to minimize soil erosion by the use of native vegetative buffers. Buffers shall also be established between the mining activity and adjacent existing and planned future land uses.

Policy 7.1.2 - On a continuous basis, the City shall coordinate with local governments, the FDEP and SJRWMD to ensure that the mined areas are reclaimed in accordance with current law and permit conditions.

Policy 7.1.3 - If a mine requires "dewatering", the discharge shall occur from one cell of the project site to another cell. Off-site discharge shall be prohibited.

Objective 7.2 - Mineral extraction activities shall "respect" paleontological, archaeological, and historic sites.

Policy 7.2.1 - The City shall initiate cooperative efforts with other government agencies and private organizations to identify and evaluate existing or potential extraction sites that are likely to contain significant paleontological, archaeological or historical resources.

Policy 7.2.2 - Any excavation or mining activity which uncovers or appears to be disturbing archaeological or paleontological resources shall be held in abeyance until a preliminary assessment can determine the probability of significant archaeological or paleontological assets.

Policy 7.2.3 - The City shall maintain the regulations in the Land Development regulations that regulate the process for dealing with potential archaeological or paleontological resources. This shall include cooperation with the Museum of Arts and Sciences, ~~the Volusia Anthropological Society~~, and the ~~State Bureau~~ Division of Historical Resources.

Objective 7.3. Mineral extraction activities will generate a net benefit to the community.

Policy 7.3.1 - The City shall require developers or owners to provide restoration plans for new or currently active borrow pits, so that once the material extraction has been completed, the former pits will continue to benefit the overall community.

Policy 7.3.2 - The City shall require dry hydrants be installed at appropriate sites adjacent to strategically located borrow pits, to ensure an adequate fire protection capacity.

Policy 7.3.3 - Mining operators shall demonstrate financial responsibility to pay for necessary corrective actions or repairs to roadways, buildings, other structures, groundwater, or surface water and to reclaim the site to prescribed specifications upon completion of mineral extraction activities.

Objective 7.4 - Mining activities shall not adversely affect the quality of air, groundwater and surface water and land and wildlife.

Policy 7.4.1 - Phasing of extractive activities shall be used as a device to assure that only small areas are affected by such activities at one time.

Policy 7.4.2 - The City shall require that a geophysical log series (from wells or other acceptable means) be prepared for the proposed site to assess the hydrogeologic character of the site.

Policy 7.4.3 - Mineral and sand extraction activities shall not remove or disturb any impervious layer (e.g., clay) that naturally segregates the surficial aquifer from the Floridan Aquifer.

Policy 7.4.4 - Once extraction ceases, appropriate usage limits regarding septic and stormwater systems are to be implemented to ensure protection of surface water, groundwater and the Volusia-Floridan Sole Source Aquifer.

Policy 7.4.5 - Formerly mined areas may not be incorporated into a stormwater retention or detention system until an engineering, hydrologic, or hydrogeologic determination has been made showing an adequate confining layer, segregating water in the pit from the Volusia-Floridan Sole Source Aquifer.

CHAPTER 6

RECREATION AND OPEN SPACE ELEMENT

GOALS, OBJECTIVES AND POLICIES - ~~OPEN SPACE AND~~ RECREATION AND OPEN SPACE ELEMENT

GOAL 1 - DEVELOP AND MAINTAIN A WIDE VARIETY OF RECREATION FACILITIES AND PROGRAMS THAT ARE RESPONSIVE TO THE DEMANDS OF THE CITIZENRY~~:~~ :

Objective 1.1.- The City shall require of new development activities concurrency with the adopted level-of service standards.

Policy 1.1.1 - The City shall apply the level-of-service standards of park categories and facilities in accordance with ~~the~~ those adopted and listed in the Capital Improvements Element of the Comprehensive Plan.

Policy 1.1.2 - Parks and recreational facilities shall be located throughout the City to allow access opportunities to all segments of the population.

Policy 1.1.3 - The City shall continue to provide sufficient lighting where needed at any active recreation facilities existing at that time.

Policy 1.1.4 - The City shall continue to acquire the appropriate acreage for neighborhood and community park and recreation sites to meet its level-of-service standards when necessary.

Policy 1.1.5 - The City's facility needs and program planning shall be determined through a continuous assessment of facility capacities and community needs, thorough surveys, citizen responses, civic interaction, and population growth.

Policy 1.1.6 - ~~By 2012, t~~ The city shall maintain an inventory of existing vacant land and buildings that are considered important to either short-term or long-term recreation and open space planning.

Objective 1.2~~3~~ - Continue to improve ~~the City's Nature Preserve to include~~ the city's parks and recreation areas, ~~suitable~~ access and parking, hike/bike trails, picnic shelters and restrooms.

Policy 1.2~~3~~.1- Program sufficient funds in the City's Capital Improvement Plan for development of these improvements.

Policy 1.2.2 - Assure the continued maintenance of existing park and recreation facilities, and implement the necessary changes to increase the level of safety for the user.

Objective 1.3 - Balance the functioning value of the natural environment so there is an optimum combination of aesthetic, ecological, and recreation values.

Policy 1.3.1 - Use park systems or open space to buffer incompatible land uses, where parks or open spaces are compatible with these land uses.

Policy 1.3.2 - Acquire lands with minimal development potential due to size or shape that are adjacent to environmentally sensitive lands and incorporate them into the public open space system. To the extent practical based on available funding, the City shall acquire or

preserve lands with unique environmental assets, as well as provide community access and~~/or~~ recreational opportunities~~/value~~ to the community.

Policy 1.3.3 - To the maximum extent consistent with Federal, State, and City objectives, policies, and responsibilities, multiple uses of public lands shall be considered, to reduce the cost of and expedite the acquisition of additional needed public lands.

Objective 1.4 - Maintain existing acreages and facilities which provide for public access to coastal recreational resources, including the Halifax River.

Policy 1.4.1 - The City shall maintain and develop the existing city-owned properties which provide public access to the Halifax River.

Policy 1.4.2 - Existing dedicated public rights-of-way which provide access to the river or any other significant coastal resource shall not be vacated by the City, and shall be improved to permit convenient public access.

Policy 1.4.3 - On a continuous basis, the City shall maintain its boat ramps, piers, docks, and other water access facilities in a safe and operable condition.

Policy 1.4.4 - The City shall continue to provide information and interpretive signs at all City-operated boat ramps to alert users of the endangered manatees.

Policy 1.4.5 - A public safety plan shall be prepared for all special events sponsored on public property within the City. The plan will be reviewed by the City Manager and various City Departments.

Objective 1.5 - The City shall continue to coordinate with Volusia County, the Ponce Inlet Port Authority, the Volusia County School Board, other public agencies and the private sector, as may be appropriate, to further develop recreational opportunities for Holly Hill residents using existing recreation areas and facilities and unused lands owned by such entities within the city.

Policy 1.5.1 - Maximum use of existing recreation areas and facilities shall be encouraged.

Policy 1.5.2 - Cooperative arrangements between the City and other public or private entities for purchase, development, management and/or maintenance of recreation areas and facilities shall be encouraged when such arrangements will provide an efficient, economical means of meeting the recreational demands of Holly Hill residents.

Objective 1.6 – ~~By 2012 t~~ The City shall ~~develop a fiscally sound~~ continue to support public parks and recreation facilities programs.

Policy 1.6.1 - The City shall pursue outside funding sources when necessary, by monitoring on an on-going basis, the availability of parks and recreation grants and funds. The applications shall be submitted in a timely manner to ensure procurement and proper outside review.

Policy 1.6.2 - A user fee system shall continue to be an integral and vital component of the overall funding mechanism for recreation programs and events. The following criteria shall apply in implementation of this policy:

a. The fee shall be reasonably established and shall not restrict access on the basis of affordability.

b. The City shall periodically review the fee structures of other local government jurisdictions and per capita operating expenses and recurring capital expenses as a basis for determining the equity of the fee structure.

c. Reasonable fees shall be established for use of all City facilities based on the type of event, the particular facility and the expected number of people attending.

Policy 1.6.3 - The City shall continue to financially support ~~the~~ activities, events, and programs in order to maintain programs at their current level-of service. ~~in accordance with the adopted Parks and Recreation Master Plan as amended.~~

Policy 1.6.4 - New development shall be encouraged to provide land for accessible and usable public parks. ~~in accordance with the adopted Parks and Recreation Master Plan Study as amended and the City Land Development Regulations exchange for impact fee credits or to develop on-site recreation areas by continuing to allow 50% impact fee credits.~~

Policy 1.6.5 - Unless otherwise provided by interlocal agreement, the City may ~~shall continue to~~ charge ~~a~~ nonresidents a~~n annual~~ fee determined by the City Commission for the use of City recreation facilities. ~~The annual fee shall be at a rate equal to the proportionate share of operating and recurring capital expenses.~~

Policy 1.6.6 – Where applicable ~~T~~ the City shall ~~continue to~~ utilize user fee charges for services and facilities to help offset costs at recreation sites.

Objective 1.7 - Safe bicycling opportunities, for both recreation and transportation, shall be provided within the city where possible.

Policy 1.7.1 - Bicycle facilities shall be incorporated into arterial and collector roadway construction widening, and reconstruction plans and programs as provided by the Land Development Regulations.

~~**Policy 1.7.2** -By 2015, the City shall develop, in conjunction with the FDOT and Volusia County, a priority plan for bikeway and bike path construction; this plan will identify funding sources for these projects (identification and implementation planning) and will provide an implementation schedule.~~

Policy 1.7.3 -The City shall cooperate with bicycle organizations, law enforcement agencies, and the FDOT to promote a bicycle safety program; this shall include a program in the schools and a media information program.

Policy 1.7.4 -Bicycle facilities connecting schools with nearby active recreation areas shall be a priority. ~~of the City's bicycle plan.~~

Policy 1.7.5 -The City shall provide bicycle racks at all City-owned buildings or facilities that are open to the public.

Policy 1.7.6 -When providing bicycle and pedestrian pathways, the City shall determine through the ~~Volusia County MPO Bicycle and Pedestrian Committee~~, Volusia Flagler Transportation Planning Organization(TPO), upon which streets or roads bicycle traffic would constitute an unacceptable hazard. This shall also determine the time of day when this hazard would exist.

Policy 1.7.7 -The City shall maintain regulations requiring new developments to incorporate bicycle and pedestrian paths as an integral part of their transportation plans.

Policy 1.7.8 -To the extent practical, utility easements (overhead transmission lines, gas and water) shall be considered in the development of trails to provide for connections and linkages to neighborhoods, and recreation and open space facilities.

Policy 1.7.9 -The City, in cooperation with the ~~County MPO~~ Volusia Flagler TPO and FDOT, shall encourage the installation of bicycle detection devices at traffic activated signals on arterial and collector streets, subject to the availability of funding.

GOAL 2 - PRESERVE THE VALUABLE SCENIC VISTAS WITHIN THE CITY.

Objective 2.1 - Provide for recreational corridors to link ~~the~~ City-owned parks as well as other adequate and appropriate access ways ~~shall be provided for~~ to open space/conservation areas.

Policy 2.1.1 - The City shall submit grant applications to local, state and federal grant programs ~~grant applications~~ to acquire and develop land when appropriate and applicable, ~~grant applications to local, state and federal grant programs~~ for the acquisition, planning and development/management of City- owned lands. Programs include, but are not limited to:

- Florida Recreation ~~and~~ Development Assistance Program.
- Land and Water Conservation Fund Program.
- Florida Forever.
- Florida Boating Improvement Program;
- ~~Save our Rivers Program (SJRWMD);~~
- Ponce DeLeon Port Authority;
- Florida Inland Navigation District;
- Florida Communities Trust Program; and
- ECHO.

Policy 2.1.2 - The City shall designate scenic roadways in accordance with State and Federal programs.

Policy 2.1.3 - The City's standards designed to ensure preservation of the scenic value of designated routes shall be maintained in the Land Development Regulations.

CHAPTER 7

INTERGOVERNMENTAL COORDINATION ELEMENT

Goals, Objective and Policies – Intergovernmental Coordination Element

GOAL 1 - ELIMINATE AND PREVENT UNNECESSARY DUPLICATION OF GOVERNMENTAL SERVICES AND FACILITIES; ELIMINATE AND PREVENT CONFLICTS BETWEEN THE CITY AND ADJACENT MUNICIPALITIES, THE COUNTY, STATE AND REGIONAL AGENCIES, AND SPECIAL PURPOSE LOCAL GOVERNMENTAL ENTITIES; AND ELIMINATE AND PREVENT EXISTING AND POTENTIAL LAND USE CONFLICTS AT THE CITY'S BOUNDARY.

Objective 1.1 - Maintain consistency between Holly Hill's Comprehensive Plan and the comprehensive plans of adjacent municipalities and the County and the plans of the Volusia County School Board, the East Central Florida Regional Planning Council, and the State by VGMC-issued certification of consistency.

Policy 1.1.1 - Intergovernmental cooperation and coordination shall be maintained in order to plan for and provide efficient, cost effective, and environmentally sound public facilities and services.

Policy 1.1.2 - The City shall coordinate the adoption and all future amendments of its Comprehensive Plan with the comprehensive plans of adjacent municipalities and the County and the plans of the Volusia County School Board, the East Central Florida Regional Planning Council, and the State by reviewing the plans of other entities, avoiding inconsistencies, and resolving conflicts through negotiation, ~~mediation by the Volusia Council of Governments~~, with the Volusia Growth Management Commission, or the East Central Florida Regional Planning Council, and administrative hearings.

Policy 1.1.3 - The City shall review plans and plan amendments proposed by adjacent municipalities, the County, the School Board, the Regional Planning Council, and the State, and shall take appropriate steps to resolve any potential inconsistencies.

Policy 1.1.4 - The City shall encourage open, informal and on-going communication with adjacent municipalities, the County, the School Board, the Regional Planning Council, and the State to promote coordination on all governmental matters.

~~**Policy 1.1.5** - The City shall continue to encourage the intergovernmental coordination efforts of the Volusia Council of Governments, and shall promote the VCOG's continuing involvement in the study of area wide issues and opportunities.~~

Policy 1.1.6 - The City shall continue to encourage the Volusia ~~County Metropolitan~~ Flagler Transportation Planning Organization (TPO) to achieve a comprehensive, coordinated and continuing transportation planning process for Volusia County.

Policy 1.1.7 - The City shall utilize the informal mediation process of the East Central Florida Regional Planning Council as a means of resolving conflict with other local governments especially when the City is unable to resolve a conflict through direct negotiation or activities of the ~~Volusia Council of Governments and the~~ Volusia Growth Management Commission.

Policy 1.1.8 - The City shall resolve annexation issues through direct negotiation with other governmental entities, and mediation, if necessary, through the Volusia Growth Management Commission, ~~the Volusia Council of Governments,~~ or the East Central Florida Regional Planning Council.

Policy 1.1.9 -The City shall support and participate in the preparation of management plans, water quality studies, and sampling programs in conjunction with Volusia County, the East Central Florida Regional Planning Council (ECFRPC), the SJRWMD. Johns River Water Management District, the Department of Health and Rehabilitative Services, and DEP.

Policy 1.1.10 - The City shall work with ~~the East Volusia Regional Water Authority (EVRWA) and~~ Volusia County to develop regulations on agricultural activities in recharge area.

Policy 1.1.11 - The City shall review the Comprehensive Plans and any amendments thereto of the adjacent municipalities and Volusia County to determine if coastal resources such as the Halifax River and any associated wetlands are being managed in a consistent manner.

Policy 1.1.12 - The City shall cooperate as provided for by the County Home Rule Charter and State Statutes in joint planning and management programs with adjacent municipalities and counties and other public agencies that operate governments within its boundaries for mosquito impoundments, hurricane evacuation, controlling stormwater, reducing wastewater treatment plant discharges into the Halifax River, and coordinating efforts to protect designated and other rare species.

Policy 1.1.13 - The city shall continue to monitor and implement legislative changes in environmental protection measures.

Policy 1.1.14 - On a continuous basis the City shall review and implement stormwater quality programs and regulations as proposed by the Federal Environmental Protection Agency, the DEP, and the SJRWMD.

Objective 1.2 - Achieve an effective, efficient and equitable delivery of services to the citizens of Holly Hill through coordinated and cooperative efforts with adjacent municipalities and Volusia County.

Policy 1.2.1 - The City will negotiate interlocal agreements with adjacent municipalities, the County, the School Board, the State or any other governmental entity providing for the exchange or sharing of services or facilities when such arrangements will benefit the City and its citizens. Such interlocal agreements include fire, police, water supply planning and emergency services.

Policy 1.2.2 - The City will achieve coordination with other local governments in the provision of services and information through continuing participation in the cooperative activities of ~~the Volusia Council of Governments.~~ agencies such as the Volusia County Growth Management Commission and the East Central Florida Regional Planning Council, Volusia Flagler

~~**Policy 1.2.3** By 2011 the City will shall adopt and implement an interlocal agreement with Volusia County and the City of Daytona Beach relative to water supply planning for the 122 homes north of the City and the New Journal site, which includes procedures for:~~

~~a. Coordinating and sharing information~~

~~b. Comprehensive plans and plan amendment review~~

~~c. Concurrency implementation~~

~~d. Implementation and amendments~~

~~e. Resolution of disputes~~

Objective 1.3 The City shall Identify and describe joint processes for collaborative planning on population projections, school siting, facilities subject to concurrency, facilities with countywide significance, and problematic land uses.

Policy 1.3.1 - The City will continue to coordinate with the Volusia County Growth Management Department (VGMC), ~~the Volusia Council of Governments (VCOG)~~, the Volusia Flagler TPO, ~~County Metropolitan Planning Organization (MPO)~~, the University of Florida Bureau of Economic and Business Research (BEBER), and other agencies in order to develop citywide and countywide population projections that include expected growth shown in the comprehensive plan for the City. In addition, the City will use these mutually agreed upon and coordinated population figures in the comprehensive plan.

Policy 1.3.2 - The City will forward the population projections used in its comprehensive plan to the School Board so it can consider projected growth and development as it relates to the future needs for schools in the School Board's 5, 10 and 20-year facility plans.

Policy 1.3.3 - The City will annually review the School Board's plans for the siting of public schools within its jurisdiction for consistency with the comprehensive plan, both at the staff level and through public hearings for specific site plans. This will include a review of the 5, 10, and 20-year facility plans of the School Board as well as responding as needed to site specific plans to locate new schools or expand existing schools.

Policy 1.3.4 - Develop a development coordination procedure through interlocal agreement with the Volusia County School Board on the siting of public educational facilities, which outlines the process for assessing impacts during site acquisition, addresses measures to maintain the City's adopted levels-of-service at the time of development and formalizes a citizen-participation/notification process.

Policy 1.3.5 - City staff will coordinate annually, or more often as needed, with Volusia County staff for the purpose of determining future unincorporated area needs for water and sewer within each respective unincorporated area served by the county.

Policy 1.3.6 - The City will forward requests for access to County or State maintained roadways to each respective agency for comment concerning their respective plans and policies.

Policy 1.3.7 - The City will coordinate with service providers that have no regulatory authority over the use of land in the City to develop recommendations that address ways to improve coordination of the City's concurrency management methodologies and systems, and levels-of-service.

Policy 1.3.8 - The City will enter into an interlocal agreement with Volusia County for joint projects identified in the City's Stormwater Management Plan and the County's Stormwater Management Plan.

Policy 1.3.9 - The Community Development Department will coordinate concurrency reviews with the respective City Departments, ~~Volusia Council of Governments~~ and any other agencies as deemed appropriate and necessary.

Policy 1.3.10 - The City will continue to coordinate with Volusia County for the provision of countywide facilities, including but not limited to, solid waste disposal and the Volusia County Emergency Operations Center.

Policy 1.3.11 - The City will forward notice of proposed future land use plan policies related to hurricane shelters and evacuation routes, as well as map amendments resulting in an increase in population within coastal high hazard areas, to the East Central Florida Regional Planning Council and the Volusia County Emergency Management Department to determine hurricane shelter space availability and the effect of increased evacuating populations on evacuation clearance times and routes.

Objective 1.4 - The City shall coordinate with other public agencies in monitoring and enforcing permit conditions. The City shall identify technical and financial assistance available to the City.

Policy 1.4.1 – The City shall, in cooperation with other local governments, participate in a water quality monitoring program coordinating mechanism under ~~the Volusia Council of Governments (VCOG), East Volusia Regional Water Authority (EVRWA) or~~ an agency created specifically for these purposes.

Policy 1.4.2 – The City shall continually encourage the removal of septic tanks and the treatment of stormwater runoff upon the receiving waters of the Halifax River to determine if controls on individual septic systems must eventually be eliminated from all environmentally sensitive areas.

Policy 1.4.3 – The City shall maintain a water supply facilities work plan that is coordinated with St. Johns River Water Management District's District Water Supply Plan by updating the work plan within 18 months of an update to the District's District Water Supply Plan that affects the City.

Policy 1.4.4 – The City shall participate in the development of updates to St. Johns River Water Management District's water supply assessment and District Water Supply Plan and other water supply development-related initiatives facilitated by the District's that affect the City.

Policy 1.4.5 – The City will plan for municipal service areas or extend water and sewer services into unincorporated Volusia County in a manner consistent with the Volusia County Comprehensive Plan.

Policy 1.4.6 - The City will implement all water conservation practices that are conditions of the Consumptive Use Permit.

GOAL 2 - ESTABLISH AND MAINTAIN A COOPERATIVE RELATIONSHIP BETWEEN THE CITY OF HOLLY HILL AND SCHOOL DISTRICT TO PROVIDE AN EFFECTIVE JOINT PLANNING PROCESS INCLUDING PROCEDURES TO COORDINATE LAND USE PLANNING WITH THE DEVELOPMENT OF SCHOOL FACILITIES INCLUDING PUBLIC SCHOOL SITING, CALCULATE POPULATION PROJECTIONS, AND PROVIDE FOR THE DEVELOPMENT OF PUBLIC EDUCATION FACILITIES CONCURRENTLY WITH RESIDENTIAL DEVELOPMENT AND OTHER PUBLIC FACILITIES AND SERVICES.

Objective 2.1 – Intergovernmental Coordination

The City of Holly Hill shall establish coordination mechanisms with the School Board to achieve a collaborative effort to identify school needs, provide for school facilities and implement school concurrency using consistent supporting data and analysis.

Policy 2.1.1: In cooperation with the School Board, the City of Holly Hill shall adopt and implement the interlocal agreement as required by Section 1013.33 F.S., which includes procedures for:

a. Coordinating and sharing information
b. Educational and ancillary siting procedures
c. Comprehensive plans and plan amendment review
d. Site design and development plan review
e. Joint development of schools, parks and other uses
f. School concurrency implementation
g. Implementation and amendments
h. Resolution of disputes

Policy 2.1.2: In accordance with the schedule established in the interlocal agreement, the City of Holly Hill shall appoint a representative to meet with School Board and other local government representatives to review data and annually approve a projection of the amount, type, and distribution of population growth and student enrollment. Data shall include but not be limited to:

a. Capital budgets for each jurisdiction
b. School Board five-year facilities work program
c. School Board educational plant survey (every fifth year)
d. Volusia County five-year road improvement program
e. Anticipated new development, infill development and redevelopment
f. Student enrollment and school utilization including portable classroom assignments

Policy 2.1.3: City of Holly Hill shall provide the School Board with a copy of each planning board and Commission agenda.

Policy 2.1.4: The City of Holly Hill and the School Board shall coordinate the acquisition and development of sites for future educational and ancillary facilities in accordance with the process established in the interlocal agreement.

~~**Policy 2.1.5**: The City of Holly Hill shall adopt regulations necessary to implement school concurrency and Section 206 of the Volusia County Charter no later than February 1, 2008.~~

Policy 2.1.6: The City of Holly Hill shall provide notice to adjacent jurisdictions as required by the Volusia County Interlocal Agreement for School Planning when school capacity in the adjacent jurisdiction is anticipated to be applied to meet concurrency requirements for proposed residential development.

Objective 2.2 –The City of Holly Hill shall regularly monitor and evaluate the implementation of the Public School Facilities Element to assure compliance with the provisions of the

comprehensive plan and the interlocal agreement, to assure the use of best practices in the joint planning of school facilities, and to provide for the continuing coordination of school planning.

Policy 2.2.1: In accordance with the interlocal agreement but no less than once per year, the City of Holly Hill shall submit a report to the Board of Planning and Appeals (LPA) and the School Board reporting on the implementation actions and coordinated planning efforts for planning and developing school facilities including joint development opportunities. If the School Board or (local planning agency) finds that implementation of the plan or interlocal agreement is not occurring, the School Board or (LPA) shall make recommendations to the City Commission of steps necessary to achieve successful implementation.

Policy 2.2.2: For each comprehensive plan amendment reviewed by the Volusia Growth Management Commission (VGMC), the City of Holly Hill shall identify in the VGMC application support materials how anticipated impacts of the proposed amendment to school facilities are addressed.

Policy 2.2.3: The City of Holly Hill shall appoint a citizen to serve as a member of the oversight committee created by the adopted Interlocal Agreement and shall appoint a staff member to serve on the technical committee created by the adopted Interlocal Agreement.

CHAPTER 8

CAPITAL IMPROVEMENTS ELEMENT

TABLE 1
FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

Project Number	Project Name	Funding Source	SCHEDULE OF ESTIMATED EXPENDITURES FY 11	FY 12	FY 13	FY 14	FY 15	5 Year Estimated Cost
Technology Services								
11TS01	Technolocy Upgrades	GF	$95,500					$95,500
	Technology Servies Subtotal		**$95,500**					**$95,500**
Water Treatment								
11WT01	Well Maintenance & Equipment	UT-WA	$85,000	$91,000	$98,000	$105,000	$112,000	$491,000
	Water Treatment Subtotal		**$85,000**	**$91,000**	**$98,000**	**$105,000**	**$112,000**	**$491,000**
Water Distribution								
11WA01	Distribution Improvements	BOND	$120,000	$126,000	$130,000	$130,000	$135,000	$641,000
11WA02	Water Service Replacement Program	BOND	$40,000	$41,200	$42,436	$43,709	$45,020	$212,365
11WA03	Valve Replacement Program	BOND	$160,000	$160,000	$155,000	$150,000	$145,000	$770,000
		CRA	$40,000					$40,000
11WA04	Fire Hydrant Coverage Upgrade Program	BOND	$566,250	$520,000	$520,000	$626,250	$309,375	$2,541,875
11WA05	Fire Hydrant Replacement Program	BOND	$130,000	$133,900	$137,917	$142,055	$146,316	$690,188
		CRA	$60,000					$60,000
	Water Distribution Subtotal		**$1,116,250**	**$981,100**	**$985,353**	**$1,092,014**	**$780,711**	**$4,955,428**
Waste Water Treatment								
11WW01	Treatment Plant Equipment Improvements	UT-WW	$80,000	$80,000	$80,000	$80,000	$80,000	$400,000
11WW02	Effluent Pump Replacement	UT-WW	$75,000					$75,000
	Waste Water Treatment Subtotal		**$155,000**	**$80,000**	**$80,000**	**$80,000**	**$80,000**	**$475,000**
Water Water Collection								

11CO01	Lift Station Replacements -16, 12, and 13	BOND	$450,000					$450,000
11CO02	Lift Station Replacement - 11	CDBG	$85,000					$85,000
		BOND	$65,000					$65,000
11CO03	Sewer Lining	BOND	$1,000,000	$1,000,000	$600,000	$200,000	$200,000	$3,000,000
11CO04	Trailer Mounted Generator	BOND	$50,000					$50,000
11CO05	Replace/Repair Sewer Services CRA	CRA	$100,000					$100,000
12CO01	Lift Station Replacement - 10	CDBG		$80,000				$80,000
		BOND		$70,000				$70,000
12CO02	Lift Station Replacements - 17 and 9	BOND		$300,000				$300,000
13CO01	Lift Station Replacements - 3 and 5	BOND			$300,000			$300,000
14CO01	Lift Station Replacements - 19 and 20	BOND				$300,000		$300,000
14CO02	Lift Station Replacements - 21 and 18A	BOND					$300,000	$300,000
	Waste Water Collection Subtotal		**$1,750,000**	**$1,450,000**	**$900,000**	**$500,000**	**$500,000**	**$5,100,000**
Streets								
11ST01	Roadway Resurfacing Program	GAS TAX	$113,000	$113,000	$113,000	$113,000	$113,000	$565,000
		GF	$102,000	$102,000	$102,000	$102,000	$102,000	$510,000
11ST02	FEC Track Crossing Upgrades	GF	$60,000	$60,000	$60,000	$60,000	$60,000	$300,000
11ST03	Sidewalks	CRA	$25,000					$25,000
	Streets Subtotal		**$300,000**	**$275,000**	**$275,000**	**$275,000**	**$275,000**	**$1,400,000**
Stormwater								
11SW01	Carswell-State Drainage Improvements	CRA	$3,200,000					$3,200,000
11SW02	LPGA PD&E	CRA	$1,000,000					$1,000,000
	EVW Nova/LPGA Canal Study	UT-SW	$110,000					
	Stormwater Subtotal		**$4,310,000**	**$0**	**$0**	**$0**	**$0**	**$4,310,000**
	Capital Improvement Plan Total		**$7,811,750**	**$2,877,100**	**$2,338,353**	**$2,052,014**	**$1,747,711**	**$16,826,928**

VOLUSIA COUNTY SCHOOL DISTRICT
2010-2015 FISCAL FORECAST FOR CAPITAL OUTLAY 5 YEAR WORK PROGRAM

Capital Five -Year Fiscal Forecast

REVENUES	Budget 2010-2011	Forecast 2011-2012	Forecast 2012-2013	Forecast 2013-2014	Forecast 2014-2015
State sources:					
CO&DS distributed to district	$ 300,000	$ 300,000	$ 300,000	$ 300,000	$ 300,000
Interest on undistributed CO&DS	5,000	5,000	5,000	5,000	5,000
PECO	2,589,048	3,835,393	4,600,678	6,260,831	5,942,040
Classrooms for kids	-	-	-	-	-
Other state sources	-	-	-	-	-
Total state sources	2,894,048	4,140,393	4,905,678	6,565,831	6,247,040
Local sources:					
Ad valorem taxes	42,251,261	42,251,261	43,096,286	43,958,212	44,837,376
Sales tax	30,000,000	30,300,000	30,906,000	31,524,120	32,154,602
Interest income	-	-	-	-	-
Impact fees	1,600,000	1,600,000	1,600,000	1,800,000	2,000,000
Sale of Property & other local Revenue	-	-	-	-	-
Total local sources	73,851,261	74,151,261	75,602,286	77,282,332	78,991,978
TOTAL REVENUE	76,745,309	78,291,656	80,507,964	83,848,163	85,239,018
OTHER SOURCES OF FUNDS:					
Transfers In	-	-	-	-	-
Other Financing Sources	-	-	-	-	-
Restricted Fund Balance	133,798,594	47,345,439	39,128,694	35,231,134	28,244,737
Assigned Fund Balance	2,106,255	2,106,255	2,106,255	106,255	106,255
Total other sources	135,904,849	49,451,694	41,234,949	35,337,389	28,350,992
TOTAL REVENUE, OTHER SOURCES & FUND BALANCES	$ 212,650,158	$ 127,743,350	$ 121,742,913	$ 119,185,552	$ 113,590,010
EXPENDITURES (by category)					
New Construction	$ -	$ -	$ -	$ -	$ -
Projects at Existing Schools & Facilities	11,350,000	7,400,000	7,300,000	6,950,000	6,950,000
Facilities Management	1,814,781	1,000,000	1,000,000	1,000,000	1,000,000
Technology	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
System Wide Equipment and Vehicles	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
Buses	-	-	-	4,777,422	4,976,466
Projects in Progress	71,923,508	-	-	-	-
TOTAL EXPENDITURES	92,388,289	15,700,000	15,600,000	20,027,422	20,226,466
TRANSFERS OUT:					
To General Fund	19,207,250	19,207,250	19,207,250	19,207,250	19,207,250
To Debt Service Funds	51,602,925	51,601,151	51,598,274	51,599,888	51,603,928
TOTAL TRANSFERS	70,810,175	70,808,401	70,805,524	70,807,138	70,811,178
Restricted Fund Balance	47,345,439	39,128,694	33,231,134	28,244,737	22,446,111
Assigned Fund Balance	2,106,255	2,106,255	2,106,255	106,255	106,255
TOTAL EXPENDITURES, TRANSFERS & FUND BALANCES	$ 212,650,158	$ 127,743,350	$ 121,742,913	$ 119,185,552	$ 113,590,010

Capital Five-Year Work Program

	BUDGET 2010-2011	BUDGET 2011-2012	BUDGET 2012-2013	BUDGET 2013-2014	BUDGET 2014-2015
New Construction					
NON WITHOUT ADDITIONAL REVENUE	$ -	$ -	$ -	$ -	$ -
Total	-	-	-	-	-
Major Projects at Existing Schools & Facilities					
Portables - Lease	800,000	600,000	500,000	250,000	250,000
Portables - Moves & Compliance	600,000	500,000	500,000	400,000	400,000
Southwestern Mid - Additions	4,000,000	-	-	-	-
Various Schools - Minor Projects	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
Various Facilities - Facilities Review Projects	4,650,000	5,000,000	5,000,000	5,000,000	5,000,000
Total	11,350,000	7,400,000	7,300,000	6,950,000	6,950,000
Facilities Management					
Facilities Management - Various Projects	1,814,781	1,000,000	1,000,000	1,000,000	1,000,000
Technology					
Network, EDP & Communications Equipment	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
System Wide Equipment & Vehicles					
Various Schools & Departments Furn. & Equip.	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
Buses					
Transportation Dept - Bus Replacement	-	-	-	4,777,422	4,976,466
Transfers					
Transfers - Debt Service	51,602,925	51,601,151	51,598,274	51,599,888	51,603,928
Transfers - Equip. Leases & Property Insurance	3,407,250	3,407,250	3,407,250	3,407,250	3,407,250
Transfers - Maintenance	15,800,000	15,800,000	15,800,000	15,800,000	15,800,000
Total	70,810,175	70,808,401	70,805,524	70,807,138	70,811,178
TOTALS	$ 91,274,956	$ 86,508,401	$ 86,405,524	$ 90,834,560	$ 91,037,644

Goals, Objective and Policies – Capital Improvements Element

GOAL 1 - CAPITAL IMPROVEMENTS NEEDED TO SUPPORT THE FUTURE LAND USE ELEMENT SHALL BE PROVIDED IN A TIMELY, ECONOMIC AND ENERGY EFFICIENT MANNER, AND IN A MANNER THAT ASSIGNS THE COSTS OF SUCH IMPROVEMENTS FAIRLY AND EQUITABLY TO CORRECT EXISTING DEFICIENCIES IN THE LEVEL-OF-SERVICE FOR POTABLE WATER, SANITARY SEWER, SOLID WASTE, TRAFFIC CIRCULATION AND PARKS AND RECREATION AND TO MEET THE FUTURE DEMANDS GENERATED FROM NEW DEVELOPMENT OR REDEVELOPMENT.

Objective 1.1 - The City shall use the Capital Element to correct existing deficiencies, to accommodate desired growth, and to replace worn-out and obsolete facilities, in accordance with the 5-year schedule of capital improvements included in the element.

Policy 1.1.1 - The City shall include all projects identified in the other elements of the Comprehensive Plan as capital improvements projects to be included in the schedule of improvements of this Element.

Policy 1.1.2 - As per Section 163.3177, F.S., all capital improvement projects proposed by the City shall be consistent with the Comprehensive Plan. First priority shall be given to those projects that are intended to correct existing deficiencies.

Policy 1.1.3: Proposed capital improvement projects that compete for funding within the same funding source and as identified annually through the concurrency management system shall be evaluated and ranked in order of priority according to the following guidelines:

1) The extent to which the project is necessary to protect public health and safety;
2) Need for protection of the environment
3) Maintenance of adopted levels-of-service;
4) The impact that the project would have on the local budget
5) Financial feasibility and effect on the budget and Reduction of future improvements costs;
6) Its locational needs based on projected growth patterns in the Comprehensive Plan;
7) Accommodation of new development and redevelopment consistent with the Comprehensive Plan; Encouragement of infill development and/or preservation or achievement of full use of existing facilities
8) Plans of the Florida Department of Transportation and other State agencies as well as the St. Johns River Water Management District in Holly Hill.
9) Capital improvements needed to address existing deficiencies;

Policy 1.1.4 - Capital facilities shall be regularly inspected, and replacement or renewal shall be scheduled so that level of service standards are maintained.

Policy 1.1.5 - The City shall coordinate transportation improvements with Florida Department of Transportation, local and regional plans, and work with other entities to try to acquire advanced rights-of-way for transportation projects as funds are available.

Policy 1.1.6 - The City shall comply with current Florida Department of Transportation criteria for access management and rights-of-way acquisition for long range transportation projects on State roadways, including notification of the Department of Transportation when proposed development orders would interfere with future right-of-way needs of the Department.

Policy 1.1.7 - The Capital Improvements Element shall be reviewed on an annual basis and modified as necessary in accordance with Section 163.3187, F.S. Corrections, updates and modifications concerning costs; revenue sources; acceptance of facilities, pursuant to dedications which are consistent with the plan; or the date of construction of any facility enumerated in the CIE may be accomplished by ordinance and shall not be deemed to be amendments to the Comprehensive Plan

Policy 1.1.8 - The comprehensive planning process shall be used to ensure that present and future public facility and service needs are planned and provided in a timely and efficient manner, while safeguarding the health safety and welfare of the public and natural environment.

Policy 1.1.9 - The provision of the public services and facilities shall be planned and coordinated so that the provision of public services and facilities occurs in a manner which encourages growth to be orderly and, to the extent feasible, is compatible with existing and desired land uses.

Policy 1.1.10 - Public facilities, services, and programs shall be designed to service the intensities of development projected in State, regional and local comprehensive and functional plans and other planning documents.

Policy 1.1.11 - Integrate energy cost reduction measures into the budget process.

Policy 1.1.12 - Government buildings and facilities shall incorporate and recognize urban design principles. Lifecycle costs should be considered in the design and construction of government facilities. The City shall implement an Energy Efficiency and Conservation Plan including a program to track the use of energy and water in facilities owned by the City and reducing energy consumption as it relates to budgetary constraints. The City shall require energy efficient retrofits of existing facilities, where feasible, and will ensure energy efficient objectives are met in the planning and construction of any new facilities. The City shall consider a Sustainability Index for use in assessing proposed capital projects.

Objective 1.2 - Future development will bear a proportionate cost of facility improvements necessitated by the development in order to maintain the adopted LOS standards.

Policy 1.2.1 - The City shall continue to assess new developments impact fees for potable water and sewer facilities.

Policy 1.2.2 - The City shall continue to require construction and dedication of roads, drainage structures and other necessary on-site improvements as a condition of subdivision plat approval.

Policy 1.2.3 - In order to maintain adopted level of service standards and have new developments pay a pro rata share of the costs of financing capital improvements necessitated by development impacts, the City shall adopt additional facility dedication and impact fee requirements for new developments.

Policy 1.2.4 - The City shall continue to consider alternative ways to allocate the costs of new public facilities on the basis of the benefits received by existing and future residents and establish additional needed measures.

Objective 1.3 - The City shall continue to implement and periodically review its concurrency management system. The concurrency management system shall ensure the management of the land development process in a way that public facility needs identified within plan Elements are provided as needed but not in excess of the City's financial capacity to operate such facilities.

Policy 1.3.1 - Prior to issuing certificates of occupancy, the City shall provide for all public facilities needed to serve development for which development orders were previously issued. If the City is unable to provide public utilities due to exceeding the LOS standards, development approval is to be denied until it is demonstrated that the level of service is achieved or maintained for all public facilities.

Policy 1.3.2 - In providing capital improvements, the City shall limit the ratio of outstanding indebtedness to no more than 15 percent of the property tax base.

Policy 1.3.3 - The City shall consider enacting an ordinance requiring payment of water and recreation impact fees at the time of subdivision plat or final site plan approval in order to cover the costs of reserving needed capacity in water and recreation facilities.

Policy 1.3.4 - The City shall continue strong efforts to secure grants for capital improvements.

Policy 1.3.5 - Long-term borrowing will not be used to finance current operations or normal maintenance.

Policy 1.3.6 - Lease-purchase methods, bonds or other debt instruments may be used as a medium-term (4 to 10 years) method of borrowing for the financing of vehicles, other specialized types of equipment, or other capital improvements. The City will determine and utilize the least costly financing methods available. Such debt arrangements will be repaid within the expected life of the equipment or improvement acquired.

Policy 1.3.7 - General obligation bond which require referendum may not be used for any enterprise fund public facilities, except where the City Council deems such action to be in the public interest to protect the health, safety and welfare of the community.

Policy 1.3.8 - The term of any debt issue shall not exceed the expected life expectancy of the capital improvements it is financing.

Policy 1.3.9 - Sale of revenue bonds shall be limited to that amount which can be supported from fees or other revenues not required to support General Fund operations.

Policy 1.3.10 - Ad valorem tax increases shall be used by the City only as a "last resort" to cover any projected budget deficits not covered by revenues derived from new impact fees, service charges, special assessments and other funding mechanisms which assign costs to those who benefit.

Objective 1.4 - The issuance of development orders and permits and available revenues shall be coordinated with the five-year schedule of the City's capital improvements to maintain adopted level of service standards.

Policy 1.4.1 - The City shall use the following level-of-service standards to determine the impacts of new development and redevelopment upon public facility provision:

Collector Roads	LOS D at peak hour
Minor Arterial Roads	LOS E at peak hour
Principal Arterial Roads	LOS D at peak hour
Backlogged Facilities	Maintain and improve with ~~15~~% degradation threshold
Sanitary Sewer Service	144 gallons per capita per day
Potable Water Service	100 gallons per capita per day
Solid Waste Collection Service	6.0 pounds per capita per day
~~Landfill~~ Disposal Capacity	8.6 pounds per capita per day
Stormwater Management	New development or redevelopment, first inch of rainfall shall be retained; Discharge hydrograph for post development conditions shall be maintained within 10 percent, in terms of peak flow and total volume, of the predevelopment conditions; peak discharge from post development conditions shall not exceed peak discharge from pre-developed conditions for 100-year frequency storm of 24-hour duration. Existing development, treatment of the first inch of runoff shall be required on sites of less than 100 acres, and
Neighborhood Parks	1 acre per 1000 residents
Community Parks	2 acres per 1000 residents

Policy 1.4.2 -The City shall continue to enforce the concurrency management system in the development regulations which insures that adequate public facilities and services are available to accommodate the new development and redevelopment and that the adopted LOS standards are maintained. The concurrency management system shall include the following provisions:

1) All applications for development orders shall demonstrate that the proposed development does not degrade adopted levels of service in the City.

2) The latest point at which compliance is determined is the final development order. If no development order is required, the latest point to determine concurrency is the first development permit on a site. In no event shall the determination of concurrency be made later than the point when a specific plan for development, including densities and intensities of development, is approved or when construction or physical activity on the land is authorized if a specific plan is not involved.

   (a) If a development order or permit is approved prior to authorization of construction or physical activity on the land, the approval must be conditioned upon the availability of adequate public facilities and services to serve the development prior to final approval to proceed with construction or physical activity.

3) For purposes of concurrency management, the available capacity of a facility shall be determined by:

   (a) Adding Together the Following:

      (1) The total capacity of existing facilities;

(2) The total capacity of proposed facilities, if any, that will become available to serve the development. The capacity of a proposed facility shall be determined as available for potable water, sanitary sewer, solid waste and drainage if it meets any of conditions (a) and (b) below. Park and recreation capacity shall be determined as available if any of conditions (a) through (c) are met. Road capacity shall be determined as available if any of conditions (a) through (d) are met.

(a) The facility will be in place to serve a proposed project at the time that a development order is approved;

(b) The facility is under construction at the time that a development order is approved;

(c) The facility is the subject of a binding executed construction contract that provides for the commencement of the actual construction of the required facilities within one year of the issuance of the development order;

(d) In the case of road facilities, construction of such road facilities is scheduled to commence within the first three years of the five-year schedule of capital improvements in the adopted Capital Improvement Element or within the first three years of the approved five-year plan of the Florida Department of Transportation.

b) Subtracting From That Number The Sum Of:

(1) The demand for the service or facility created by existing development as documented in the City's Comprehensive Plan; and

(2) The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

4) Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

a) The project owner or developer may provide the necessary improvements to maintain level of service.

b) The proposed project may be altered such that projected level of service is no less than the adopted level of service.

c) The City may approve the development order with conditions agreeable to both the City and the developer. Such conditions shall be sufficient to ensure that the impact of the development will not degrade the level of service of any facility to a point below the adopted level of service standard for such facility.

5) A determination of compliance with the provisions of this section shall be valid for as long as the development order on which the determination was based shall remain valid.

6) If it is determined that adequate capacity is available for a proposed development, a Certificate of Capacity shall be issued for such development.

7) The City Planning Board, with assistance from the City staff, shall prepare an annual report on the status of public facilities. The report shall include an evaluation of each facility and service indicating:

a) The capacity available for each at the beginning of the reporting period and the end of the reporting period;

b) A comparison of actual capacity and levels of service to adopted levels of service from the City's Comprehensive Plan, based on annual monitoring of facility and service usage.

c) A forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the City's Capital Improvements Element and the 5-year Work Program of the Florida Department of Transportation.

d) A determination whether the City is adhering to the adopted capital improvement program.

e) Once approved by the City Council, the annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following approval of the annual report.

8) The following types of facilities and services shall be reviewed for adequacy before issuing a certificate of capacity: roads, sanitary sewer, solid waste, drainage, potable water, and recreation.

9) For those projects listed in the five year capital improvement program which are needed to maintain adopted level of service standards, a comprehensive plan amendment shall be required to eliminate, defer or delay the construction or provision of the facility or service involved.

Policy 1.4.3 - Before new development or redevelopment is authorized to proceed; the City shall require that public facilities and services needed to support the impacts of development or redevelopment are adequate. Public facilities and services needed to accommodate a development or redevelopment may be phased, or the development or redevelopment may be phased, so that the public facilities and services are adequate concurrent with the impacts of development or redevelopment.

Policy 1.4.4 – The City shall maintain a water supply facilities work plan that is coordinated with St. Johns River Water Management District's District Central Springs / East Coast Regional Water Supply Plan by updating the work plan within 18 months of an update to the District's District Regional Water Supply Plan that affects the City. The City's Water Supply Facilities Work Plan is adopted by reference.

Policy 1.4.4 5– Capital Improvements necessary for water supply concurrency will be identified and included in the annual update to the Capital improvements schedule.

Policy 1.4.5 ~~6~~– The Capital Improvements Element will be financially feasible in accordance with state law.

Policy 1.4.6 7– If a Capital improvement is needed to maintain a level of service standard, then new development will be required to contribute its fair share toward the improvement.

Policy 1.4.7 ~~8~~– Encourage investment in capital projects that will utilize municipal energy production in an environmentally responsible manner.

GOAL 2 PROVIDE FOR A FINANCIALLY FEASIBLE PUBLIC SCHOOL FACILITIES PROGRAM.

Objective 2.1 Level of Service Standards
The City of Holly Hill shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level of service standard. This level of service standard shall be consistent with the level of service standard adopted in the interlocal agreement entered into by the School Board and the local governments within Volusia County.

Policy 2.1.1: The level of service standard adopted by City of Holly Hill shall be applied consistently by all local governments within Volusia County and by the School Board district-wide to all schools of the same type.

Policy 2.1.2: : Consistent with the interlocal agreement, the uniform, district-wide level of service standards are set as follows using FISH capacity based on the traditional school calendar:

- Elementary Schools: 115% of permanent FISH capacity for the concurrency service area
- K-8 Schools: 115% of permanent FISH capacity for the concurrency service area.
- Middle Schools: 115% of permanent FISH capacity for the concurrency service area
- High Schools: 120% of permanent FISH capacity for the concurrency service area
- Special Purpose Schools: 100% of permanent FISH capacity

Policy 2.1.3: The following schools shall achieve the adopted level of service no later than the identified date. The level of service presented in the following table is the tiered level of service that shall apply to that school unit the dated noted in the table.

School	*LOS*	*DATE*
Orange City Elementary	*117%*	*July 1, 2012*
Horizon Elementary	*158%*	*July 1, 2012*
Freedom Elementary	*126%*	*July 1, 2012*
Osceola Elementary	*117%*	*July 1, 2012*
Ortona Elementary	*150%*	*July 1, 2012*
Ormond Beach Elementary	*116%*	*July 1, 2012*
Southwestern Middle	*120%*	*July 1, 2013*
New Smyrna Beach Middle	*122%*	*July 1, 2014*

(Note: This designates a tiered LOS for those schools that exceed the desired levels at the end of the five-year capital improvements program.)

Objective 2.2 School Capital Facilities Planning
The City of Holly Hill shall cooperate with the School Board to ensure existing deficiencies and future needs are addressed consistent with adopted level of service standards for public schools.

Policy 2.2.1: By December 1 of each year, the City of Holly Hill shall adopt as part of its Capital Improvements Element the Volusia County School District five year work

program approved in September of each year as part of the School District budget, including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.

Policy 2.2.2: The City of Holly Hill shall coordinate with the School Board and adopt development conditions to ensure that future development pays a proportionate share of the costs of capital facility capacity needed to accommodate new development and to assist in maintaining the adopted level of service standards via impact fees and other legally available and appropriate methods.

PROJECTED CAPITAL FACILITY NEEDS

2012-2025

The projection of needed capital improvements begins with the School District's proposed capital program for the period 2007-08 through 2011-12. This program is financially feasible as revenues are balanced to expenditures and the program achieves the designated level of service at the end of the five year period except for those schools designated as constrained and those schools for which a tiered level of service has been identified. The tiered level of service extends until 2014 to allow for construction projects that will be initiated within the proposed five-year program but will not be completed in all cases until the 2014-15 school year. The proposed program also includes needed ancillary facilities including warehouse, maintenance, transportation and administrative facilities that have been determined to be necessary by the School District. Table ~~15~~ 2 summaries the initial five-year program for added student capacity and ancillary facilities which will be adopted by reference by the local government and annually updated by the adoption of future five-year programs.

In order to identify the timing and location of needed schools for the period between 2012 and 2025, student growth was projected by year for each geographic area based on the growth projections from the data and analysis report. The eight school planning areas were used for the elementary level and the concurrency service areas for high schools were used to evaluate high school and middle school need. The Halifax Area was then examined at the school planning area level to determine if there were any smaller area impacts on middle schools that needed to be considered.

Schools were assumed to be needed when there were sufficient students available within the service area to comprise 80% of the standard size for the school level. The analysis area was also tested for compliance with the designated level of service standard to identify any LOS violations that might occur prior to the general need for a new school. A school was assumed to be needed when either demand reached 80% of standard school size or the analysis area exceeded the LOS for that area. This approach provides an indication of when and where LOS issues may be expected, but it does not get down to the individual school level since the error level over the term of the study is too great to make projections reasonable. At the individual school level, LOS issues may be encountered sooner than anticipated by this analysis. Close monitoring is going to be necessary as part of the annual system review and budget development to identify and respond to LOS considerations. Table 3 provides a listing of anticipated schools needs by location, type and year. This table lists only capacity, ancillary or replacement projects. Other capital maintenance projects are not reflected nor are needed for school replacement.

5-YEAR CAPITAL IMPROVEMENTS PROGRAM 2009-10 TO 2013-14

Facility	2009-10	20010-11	2011-12	2012-13	2013-14
New Construction					
Marks, George Elm - Replacement School				971,290	17,682,000
New Elm "A" Relieve Cypress Creek, Spruce Creek, Chisholm					988,000
New Elm "C" Relieve Pathways, Pine Trail					988,000
New K-8 "FF" Relieve New Smyrna Mid, Indian River, Edgewater			1,120,000		38,750,000
Pierson/Seville Elm Replacement					18,600,000
Total New Construction			1,120,000	971,290	77,008,000
Major Projects at Existing Schools & Facilities					
Deltona HS - Reroof Campus	2,880,000				
Enterprise Elm - Addition			4,500,000	500,000	
Enterprise Elm - 9 Classroom Addition	2,800,000				
Friendship Elm - 9 Classroom Addition	2,800,000				
Holly Hill Mid - Demo Buildings		410,000			
Horizon Elm - 9 Classroom Addition	2,800,000				
Pine Ridge HS - HVAC Bldg 5	1,516,00				
Portables - Lease	1,200,000	1,000,000	250,000	250,000	250,000
Portables - Moves & Compliance	690,000	640,000	590,000	540,000	490,000
Seabreeze HS - 10 Year Sports Complex Lease	600,000				
Southwestern Mid - Additions	500,000	5,000,000	500,000		
Sunrise Elm - 9 Classroom Addition	2,650,000				
Various Schools - Minor Projects	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
Various Facilities - Facilities Review Project	3,872,422	8,000,000	8,000,000	8,000,000	8,000,000
Total Major Prjs at Existing Schools & Facilities	**23,608,422**	**16,350,000**	**15,140,000**	**10,590,000**	**10,040,000**
Facilities Management					
Facilities Management - Various Projects	**3,000,000**	**3,000,000**	**3,000,000**	**3,000,000**	**3,000,000**
Technology					
Network, EDP & Communications Equipment	**9,000,000**	**9,000,000**	**9,000,000**	**9,000,000**	**9,000,000**
System Wide Equipment & Vehicles					
Various Schools & Departments Furn. & Equip	**1,800,000**	**1,800,000**	**1,800,000**	**1,800,000**	**1,800,000**
Buses					
Transportation Dept - Bus Replacement					7,239,765
Transfers					
Transfers - Debt Service	51,599,11	51,602,925	51,601,151	51,598,274	57,057,765
Transfers - Equipment Leases & Property Insurance	3,411,250	51,602,925	51,602,925	51,602,925	51,602,925
Transfers - Maintenance	15,800,000	15,800,000	15,800,000	15,800,000	15,800,000
Total Transfers	**70,810,360**	**70,814,175**	**70,812,401**	**70,809,524**	**76,269,015**
TOTAL	**108,218,782**	**100,964,175**	**100,872,401**	**96,170,814**	**184,356,780**

TABLE 3

VOLUSIA COUNTY
PUBLIC SCHOOL FACILITY ELEMENT
PROJECTED SCHOOL NEEDS 2011-12 TO 2025-26

SCHOOL	LOCATION	START	OPEN	NOTES
Elementary F	West	10-11	12-13	
Elementary B	Southeast	11-12	13-14	
Elementary C	N. Halifax	11-12	13-14	
Southwestern Middle	West	11-12	13-14	Addition. Capacity TBD
Elementary	S. Halifax	18-19	20-21	
Middle	Southeast		20-21	LOS Need Phased FF conversion
High	Halifax/SE	17-18	20-21	LOS need
Elementary	Southwest	19-20	21-22	
Elementary	C. Halifax	21-22	23-24	
Elementary	West	21-22	23-24	
Middle	S. Halifax	22-23	24-25	
Elementary	N. Halifax	23-24	25-26	
Elementary	S. Halifax	23-24	25-26	
Elementary	Southeast	23-24	25-26	Required sooner if FF is phased to middle
Elementary	NW	24-25	25-26	LOS need 9 class addition
High	West/SW	22-23	25-26	LOS need

Land Banked School Sites

The Volusia County School District has routinely purchased sites for schools in anticipation of future need. Table 3 provides a projection of anticipated school site needs by location and the data and analysis report contains a listing of available sites. In addition to the known need generated by projected schools the plan recommends maintaining and inventory of additional sites to give the School District and local governments flexibility to address short term shifts in population and/or student growth and to provide additional options to respond to level of service issues that will arise at the elementary and middle school level that are extremely difficult to predict at the school attendance zone level. Even relatively small shifts in population or student generation could shift the timing of demand appearing in the school planning areas. If construction funding is anticipated, the additional land-banked school sites will allow the School district to shift projects in a relatively short period of time to respond the short-term shift in student demand. The School District should maintain or reserve sites in the following areas:

Elementary School Sites: North Halifax
South Halifax
Southeast
Southwest
West

Middle School Sites: Halifax/Southeast
Southwest/West
Northwest (flex site for elementary or middle school)

High School Sites Halifax/Southeast
Southwest/West

CHAPTER 9

PUBLIC SCHOOL FACILITIES ELEMENT

Goals, Objectives and Policies - Public School Facilities Element

Goal 1 - Collaborate and coordinate with the School Board of Volusia County to provide and maintain a public education system which meets the needs of Volusia County's current and future population.

Objective 1.1 – Coordination and Consistency
The City of Holly Hill shall implement and maintain mechanisms designed to coordinate with the School Board to provide consistency between local government comprehensive plans and public school facilities and programs.

Policy 1.1.1: Pursuant to the procedures and requirements of the adopted interlocal agreement, the City of Holly Hill shall coordinate with the School Board on growth and development trends, general population and student projections to ensure that the plans of the School Board and City of Holly Hill are based on consistent data.

Policy 1.1.2: The City of Holly Hill shall provide the representative with copies of all meeting agendas and staff reports.

Objective 1.2 – School Facility Siting and Availability
The City of Holly Hill shall coordinate with the School Board on the planning and siting of new public schools and ancillary facilities to ensure school facilities are coordinated with necessary services and infrastructure and are compatible and consistent with the comprehensive plan.

Policy 1.2.1: The City of Holly Hill shall coordinate with the School Board to ensure that proposed public school facility sites are consistent with the applicable land use categories and policies of the comprehensive plan. Schools shall be permitted in all future land use classifications except for industrial land use classifications and environmentally restricted land use classifications.

Future Land Use Categories	
Low Density Residential	Schools Permitted
Low-Medium Density Residential	Schools Permitted
Medium Density Residential	Schools Permitted
High Density Residential	Schools Permitted
Mobile Home Residential	Schools Permitted
General Commercial	Schools Permitted
Wholesale Commercial & Industrial	Schools Not Permitted
Churches, Schools & Institutions	Schools Permitted
Recreation and Open Space	Schools Not Permitted
Conservation	Schools Not Permitted
Residential-Based Mixed Use	Schools Permitted
Mixed Use II	Schools Permitted
Mixed Use III	Schools Permitted

Policy 1.2.2: Coordination of the location, acquisition, phasing and development of future school sites and ancillary facilities shall be accomplished through the procedures adopted in the interlocal agreement.

Policy 1.2.3: The City of Holly Hill and School Board will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an existing school. If deemed necessary, the parties may enter into a written agreement as to the timing, location, and party or parties responsible for constructing, operating and maintaining the required improvements.

Policy 1.2.4: The City of Holly Hill shall encourage the School Board to land bank sites for future use as school facilities. The City of Holly Hill shall coordinate with the School Board on the acquisition and use of land banked sites in the same manner as established for other sites in order to ensure adequate infrastructure is planned and constructed in advance of school construction.

Policy 1.2.5: The City of Holly Hill shall protect schools and land banked school sites from the adverse impact of incompatible land uses by providing the School District with the opportunity to participate in the review process for all proposed development adjacent to schools.

Policy 1.2.6: In developing capital improvements plans and programs for public services, the City of Holly Hill shall consider required infrastructure to service existing and proposed schools and any land banked school sites.

Objective 1.3 – Enhance Community Design
The City of Holly Hill shall enhance community and neighborhood design through effective school facility design and siting standards and encourage the siting of school facilities in order to serve as community focal points and are compatible with surrounding land uses.

Policy 1.3.1: The City of Holly Hill shall coordinate with the School Board on opportunities for the expansion and rehabilitation of existing schools so as to support neighborhoods and redevelopment.

Policy 1.3.2: The City of Holly Hill shall collaborate with the School Board on the siting of public facilities such as parks, libraries, and community centers near existing or planned public schools, to the extent feasible.

Policy 1.3.3: The City of Holly Hill shall look for opportunities to co-locate and share the use of public facilities when preparing updates to the comprehensive plan's schedule of capital improvements and when planning and designing new or renovating existing, community facilities. Co-located facilities shall be governed by a written agreement between the School Board and the City of Holly Hill specifying operating procedures and maintenance and operating responsibilities.

Policy 1.3.4: The City of Holly Hill shall reduce hazardous walking conditions consistent with Florida's safe ~~ways~~ routes to school program. In conjunction with the School Board, the City of Holly Hill shall implement the following strategies:

1. New developments adjacent to schools shall be required to provide a right-of-way and direct safe access path for pedestrian travel to existing and planned schools and shall connect to the neighborhood's pedestrian network.

2. New development and redevelopment within two miles of a school shall be required to provide sidewalks within or adjacent to the property for the corridor that directly serves the school or qualifies as an acceptable designated walk or bicycle route to the school.

3. ~~In order~~ To ensure continuous pedestrian access to public schools, the City of Holly Hill shall consider infill sidewalk and bicycle projects connecting networks serving schools as part of the annual capital budget process. Priority shall be given to hazardous walking conditions pursuant to Section 1006.23, Florida Statutes.

4. The City of Holly Hill shall coordinate with the ~~Metropolitan Planning Organization~~ Volusia Flagler Transportation Planning Organization (TPO) to maximize ~~the~~ funding from the Florida Department of Transportation and other sources that may be devoted to improving pedestrian networks serving schools.

Policy 1.3.5: The City of Holly Hill and School Board shall coordinate with Volusia County Emergency Services on efforts to build new school facilities, and facility rehabilitation and expansion, to be designed to serve as and provide emergency shelters as required by Section 1013.372, Florida Statutes.

Objective 1.4 – Coordinate Comprehensive Plan Amendment and Development Orders with School Capacity

Manage the timing of new development to coordinate with adequate school capacity as determined by the Volusia County School District.

Policy 1.4.1: The City of Holly Hill shall take into consideration the School Board comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments and other land use decisions including but not limited to developments of regional impact. School Board review shall follow the policies and procedures set forth in the interlocal agreement.

Policy 1.4.2: Amendments to the future land use map shall be coordinated with the School Board and the Public School Facilities Planning Maps.

Policy 1.4.3: Where capacity will not be available to serve students from the property seeking a land use change or other land use determination that increases residential density, the City of Holly Hill shall not approve the proposed land use change until such time as the School Board can find that adequate public schools can be timely planned and constructed to serve the student population or that the applicant has provided adequate mitigation to offset the inadequacies in anticipated school capacity.

Policy 1.4.4: The City of Holly Hill shall meet at least annually with representatives from the School District and the other local governments in Volusia County to review the Public-School Facilities Element including enrollment projects. The timing and content of these meetings shall be done according to the requirements and procedures set forth in the adopted interlocal agreement.

Goal 2 – Implement Public School Concurrency

The City of Holly Hill shall ensure the future availability of public school facilities to serve new development consistent with the adopted level of service standards. This goal will be accomplished recognizing the School District's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools and the City of Holly Hill's authority for land use, including the authority to approve or deny comprehensive plan amendments, re-zonings or other development orders that generate students and impact the public school system. The City of Holly Hill shall operate and maintain in a timely and efficient manner adequate public facilities for both existing and future populations consistent with the available financial resources.

Objective 2.1 – Level of Service Standards
The City of Holly Hill through coordinated planning with the School District and implementation of its concurrency management system shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level of service standard within the period covered by the five-year schedule of capital improvements and the long-range planning period. These standards and the concurrency management system shall be consistent with the interlocal agreement approved by the School Board and the local governments in Volusia County.

Policy 2.1.1: The level of service standards for schools shall be applied consistently by all the local governments in Volusia County and by the School Board district-wide to all schools of the same type.

Policy 2.1.2: Consistent with the interlocal agreement, the uniform, district-wide level-of-service standards are set as follows:

1. Elementary Schools: 115% of permanent Florida Inventory of School Houses (FISH) ~~FISH~~ capacity for the concurrency service area
2. K-8 Schools: 115% of permanent FISH capacity for the concurrency service area.
3. Middle Schools: 115% of permanent FISH capacity for the concurrency service area
4. High Schools: 120% of permanent FISH capacity for the concurrency service area
5. Special Purpose Schools: 100% of permanent FISH capacity

~~**Policy 2.1.3**: The following schools shall achieve the adopted level of service no later than the identified date. The level of service presented in the following table is the tiered level of service that shall apply to that school unit the dated noted in the table..~~

~~*School*~~	~~*LOS*~~	~~*DATE*~~
~~*Orange City Elementary*~~	~~*117%*~~	~~*July 1, 2012*~~
~~*Horizon Elementary*~~	~~*158%*~~	~~*July 1, 2012*~~
~~*Freedom Elementary*~~	~~*126%*~~	~~*July 1, 2012*~~
~~*Osceola Elementary*~~	~~*117%*~~	~~*July 1, 2012*~~
~~*Ortona Elementary*~~	~~*150%*~~	~~*July 1, 2012*~~
~~*Ormond Beach Elementary*~~	~~*116%*~~	~~*July 1, 2012*~~
~~*Southwestern Middle*~~	~~*120%*~~	~~*July 1, 2013*~~
~~*New Smyrna Beach Middle*~~	~~*122%*~~	~~*July 1, 2014*~~

~~*(Note: This policy designates a tiered LOS for those schools that exceed the desired levels at the end of the five-year capital improvements program.)*~~

~~**Policy 2.1.4**: The following schools shall be considered constrained schools at the designated LOS due to the inability to add capacity at the site and the nature of the communities they serve.~~ Concurrency will be reviewed in the adjacent concurrency service areas and requests to increase residential densities in the constrained concurrency service areas will need to be accompanied by a plan to address school capacity.

School	LOS
~~Burns Oak Hill Elementary~~	~~115%~~
~~Coronado Elementary~~	~~115%~~
~~Samsula Elementary~~	~~165%~~

Policy 2.1.5: The City of Holly Hill and School Board recognize and agree that short-term changes in enrollment unrelated to new development approvals can and do occur, and that students enrolling in their assigned school will be accepted consistent with the School District's constitutional obligations regardless of the utilization levels at the assigned school.

Policy 2.1.6: If there is a consensus to amend any level of service, the amendment shall be accomplished by execution of an amendment to the interlocal agreement by all parties and the adoption of amendments to each local government's comprehensive plan. The amended level of service shall not be effective until all plan amendments are effective and the amended interlocal agreement is fully executed. No level of service standard shall be amended without ~~a~~ showing that the amended level of service standard is financially feasible and can be achieved and maintained within the facilities five-year work plan. ~~the five years of the capital facilities plan.~~

Objective 2.2 – School Concurrency Service Areas
The City of Holly Hill shall establish School Concurrency Service Areas as the area within which an evaluation is made of whether adequate school capacity is available based on the adopted level of service standard. Maps of the School Concurrency Service Areas are adopted in the Volusia County Interlocal Agreement for Public School Facilities Planning.

Policy 2.2.1: The concurrency service area for elementary schools shall be the elementary school attendance boundary as represented on the map series "Public School Facilities Element Elementary School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference.

Policy 2.2.2: The concurrency service area for middle schools shall be the middle school attendance boundary as represented on the map series "Public School Facilities Element Middle School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference.

Policy 2.2.3: The concurrency service area for K-8 schools shall be the attendance boundary as represented on the map serried "Public School Facilities Element K-8 Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. ~~(Note: no K-8 schools have been established at this time.)~~

Policy 2.2.4: The concurrency service area for high schools shall be as represented on the map series "Public School Facilities Element High School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference.

Policy 2.2.5: The concurrency service area for special use schools shall be district wide.

Policy 2.2.6: The concurrency service area maps designate three areas where school capacity is not anticipated for the planning period.

Policy 2.2.7: Amendments to the School Concurrency Service Areas shall be completed according to the procedures specified in the Volusia County Interlocal Agreement for

School Facilities Planning. Amendments to concurrency service areas shall consider the following criteria:

1. Adopted level of service standards shall not exceed the level of service standard within the initial five-year planning period.

2. The utilization of school capacity is maximized to the greatest extent possible taking into account transportation costs, court approved desegregation plans, proximity to schools, ethnic and socio-economic diversity, subdivisions and neighborhoods, demographic changes, future land development patterns, crossing guard availability and other relevant factors.

Policy 2.2.8 Within the central concurrency service areas all current and future students shall be assigned to schools designated for them as part of the School ~~District's~~ Board's normal school assignment procedures. Requests for development orders for new development consistent with the future land use designations and existing residential zoning densities shall be evaluated for concurrency based on the assigned school and that school's concurrency service area If adequate capacity is not available in the assigned concurrency service area, the proposed development shall be evaluated in comparison to the concurrency service areas adjacent to the assigned concurrency service area, subject to the limitations of Policy 2.3.7 of this Element. The school ~~district~~ board shall maintain a listing of assigned and adjacent concurrency service areas for each central school concurrency service area.

Policy 2.2.9: Requests to develop properties within the central school concurrency service areas at residential densities and intensities greater than the current land use or zoning designations shall be done via a comprehensive plan amendment consistent with the Volusia County Charter ~~provision 206~~ regarding school planning. The comprehensive plan amendment shall demonstrate how school capacity will be met consistent with the terms of the First Amendment to the Interlocal Agreement for Public School Facility Planning effective July 2007 and ~~Section 206 of~~ the Volusia County Charter. If the project area is to be annexed by a municipality, the comprehensive plan amendment shall include an amendment of the central concurrency service area boundary by Volusia County to exclude the subject parcel.

Objective 2.3 – ~~Proceed~~ Process for School Concurrency Implementation
In coordination with the School Board the City of Holly Hill will establish a process for implementation of school concurrency which includes applicability and capacity determination, availability standards and school capacity methods. The City of Holly Hill shall manage the timing of residential subdivision approvals and site plans to ensure adequate school capacity is available consistent with the adopted level of service standards for public schools.

Policy 2.3.1: School concurrency applies to residential development not otherwise exempt as specified by Policy 2.3.3. of this Element.

Policy 2.3.2: Development approval shall be issued for residential development where:

1. Adequate school capacity, as determined by the School Board, exists or will be under construction for each level of school in the affected concurrency service area within three years after the issuance of the development order allowing the residential development.

2. Adequate school facilities, as determined by the School Board, are available within an adjacent concurrency service area subject to the limitations of Policy 2.3.7. of this Element. Where capacity from an adjacent concurrency service area or areas is utilized, the impacts of development shall be shifted to that area. If capacity exists in more than one concurrency service area or school within a concurrency service area, the School District shall determine where the impacts of development shall be allocated based on the School District policies for student assignment.

3. The developer executes a legally binding commitment with the School Board and City of Holly Hill to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property as provided by Objective 2.4 of this Element and its supporting policies.

Policy 2.3.3: The following residential development shall be considered exempt from the school concurrency requirements:

1. Single family lots of record on a recorded plat, existing as such at the time School Concurrency implementing ordinance is adopted ~~for~~ which otherwise would be entitled to build, shall be exempt from School Concurrency requirements.
2. Any residential development or any other development with a residential component that received approval of a Final Development Order or functional equivalent or is otherwise vested prior to the implementation date of school concurrency is considered vested for that component which was previously approved for construction and shall not be considered as proposed new residential development for purposes of school concurrency;
3. Amendments to residential development approvals which do not increase the number of students generated by the development based on the student generation rates for each school type as determined by the School ~~District~~ Board.
4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy by a resident under the age of fifty-five. Such deed restrictions must be recorded and be irrevocable for a period of at least thirty years.
5. Group quarters that do not generate students including residential facilities such as jails, prisons, hospitals, bed and breakfast, hotels and motels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Policy 2.3.4: The creation of subdivisions and/or single family lots equal to or less than ten units shall be subject to school concurrency review on a grouped basis unless a letter of exemption from the School Board has been provided. The City of Holly Hill shall report such projects to the School Board as part of the annual planning coordination process established by the interlocal agreement and these units shall be included by the School Board in planning student allocations by school.

Policy 2.3.5: The City of Holly Hill shall continue to implement the school concurrency ordinance which establishes the application procedures and process for evaluating school capacity and making concurrency determinations consistent with the provisions of the interlocal agreement.

Policy 2.3.6: The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate capacity to accommodate proposed development for each type of school within the affected concurrency service area consistent with the adopted level of service. The School Board may issue a certificate of school concurrency if sufficient capacity exists for the proposed development or the School Board may set forth conditions required to satisfy the requirements of school concurrency including proportionate share mitigation.

Policy 2.3.7: If the adopted level of service standard cannot be met within a particular concurrency service area as applied to an application for development order and if the needed capacity is available in one or more contiguous concurrency service areas, then this capacity shall be applied to the concurrency evaluation of the application for development approval subject to the following limitations:

1. Areas established for diversity at schools shall not be considered contiguous.
2. Concurrency service areas generating excessive transportation costs shall not be considered contiguous. Excessive transportation costs are defined as transporting students requiring a transport time of fifty minutes one way as determined by School ~~District~~ Board transportation routing staff.
3. Concurrency service areas shall not be considered contiguous when the concurrency service areas are separated by a natural or man-made barrier such as a river, water body, or interstate highway that requires indirect transport of students through a third concurrency service area. (~~Refer to graphic examples.~~)
4. When capacity in an adjacent concurrency service area is allocated to a development application, assignment of the students to the school with available capacity may be accomplished by applying any of the techniques used to establish school attendance zones including modification of existing attendance zone boundaries or creation of island zones.
5. Student transportation not in conformance with the conditions established in items 1 through 4 above shall be permitted to allow student assignments based on specific educational programming options; to comply with State and Federal mandatory transfer opportunities; or for other transfer opportunities that School Board shall deem appropriate for the specific circumstances of an individual student

Policy 2.3.8: If the adopted level of service cannot be met within a particular concurrency service area the School Board may apply one or more of the following techniques to maximize use of available capacity and provide for adequate numbers of student stations to meet current and future demand:

1. Construct new school facilities
2. Construct additions to current facilities
3. Adjust program assignments to schools with available capacity
4. Modify attendance boundaries to assign students to schools with available capacity
5. Eliminate variances to overcrowded facilities that are not otherwise restricted by State or Federal requirements.

Objective 2.4 – Proportionate Share Mitigation
The City of Holly Hill shall provide for mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible work program.

Policy 2.4.1: In the event that sufficient school capacity is not available in the affected concurrency service area, the developer shall have the option to propose proportionate share mitigation to address the impacts of the proposed development.

Policy 2.4.2: Mitigation shall be directed toward a permanent capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development consistent with the adopted level of service standards.

Policy 2.4.3: Mitigation shall be directed to projects on the School Board's financially feasible work program that the School Board agrees will satisfy the demand created by the proposed development approval and shall be assured by a legally binding development agreement between the School Board, the City of Holly Hill, and the applicant which shall be executed prior to the City of Holly Hill issuance of the subdivision or site plan approval. If the School Board agrees to the mitigation, the School Board shall commit in the agreement to placing the improvement required for mitigation in its work plan.

Policy 2.4.4: The applicant's total proportionate share obligation shall be based on multiplying the number of needed student stations generated from the proposed project times the School Board's current cost per student station plus land cost for each type of school. The applicant's proportionate share mitigation obligation shall be credited toward any impact fee or exaction fee imposed by local ordinance for the same need on a dollar for dollar basis. (For example, if the proportionate share mitigation provides only for land, the credit is applied only against that portion of the impact fee or other exaction devoted to land costs.)

Policy 2.4.5: The student generation rates used to determine the impact of a particular development shall be the student generation rates adopted in the most recent school impact fee study.

Policy 2.4.6: The cost per student station shall be the most recent actual costs per student station paid by the School Board for the equivalent school facility.

Policy 2.4.7: Mitigation options must consider the School Board's educational delivery methods and requirements and the State Requirements for Educational Facilities and may include, but not be limited to, the following:

1. Donation of buildings for use as a primary or alternative learning facility
2. Renovation of existing buildings for use as learning facilities
3. Funding dedicated to, or construction of permanent student stations or core capacity
4. For schools contained in the School Board's adopted five-year capital facilities work program, upon agreement with the School Board, the applicant may build the school in advance of the time set forth in the five-year work program
5. Dedication of a school site as approved by the School Board
6. Up front lump sum payment of school impact fees
7. Upfront payment of interest and other costs of borrowing

8. Payment of off-site infrastructure expenses including but not limited to roads, water, and/or sewer improvements
9. Payment of transportation costs associated with the movement of students as a result of overcapacity school
10. Funding assistance with acquisition of school site
11. Phasing of construction or delay of construction in order to timely plan for the availability of school capacity,
12. Establishment of an educational facilities benefit district
13. Establishment of educational facilities mitigation banks

Objective 2.5: - Capital Facilities Planning
The City of Holly Hill shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for schools.

Policy 2.5.1: In accordance with the adopted interlocal agreement the City of Holly Hill shall collaborate with the School Board in locating required school sites as identified in the School Board's five, ten and twenty year capital facilities plan.

Policy 2.5.2: The City of Holly Hill shall ensure that future development pays a proportionate share of the costs of capital facilities capacity needed to accommodate new development and to assist in maintaining the adopted level of service standards via impact fees and other legally available and appropriate methods.

Policy 2.5.3: The City of Holly Hill adopts by reference the School Board's five-year work program approved annually each September as part of the overall School ~~District~~ Board's budget. The City of Holly Hill shall review the annual work program to verify that it is financially feasible and will maintain the level of service standards by the end of the five-year period.

CHAPTER 10

PROPERTY RIGHTS ELEMENT

GOALS, OBJECTIVES AND POLICIES – PROPERTY RIGHTS ELEMENT

GOAL 1: - To respect judicially acknowledged and constitutionally protected private property rights.

Objective 1.1 - The City shall consider in its local decision-making a property owner's protected private property rights.

Policy 1.1.1 - The City shall consider in its local decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.1.2 - The City shall consider in its local decision-making, the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.1.3 - The City shall consider in its local decision-making, the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.1.4 - The City shall consider in its local decision-making, the right of a property owner to dispose of his or her property through sale or gift.

ADDITIONAL INFORMATION

MAPS

CHARTS

TABLES

FUTURE LAND USE ELEMENT



City of Holly Hill Population Projections

2025 - 13,172

2030 - 13,462

2035 – 13,619

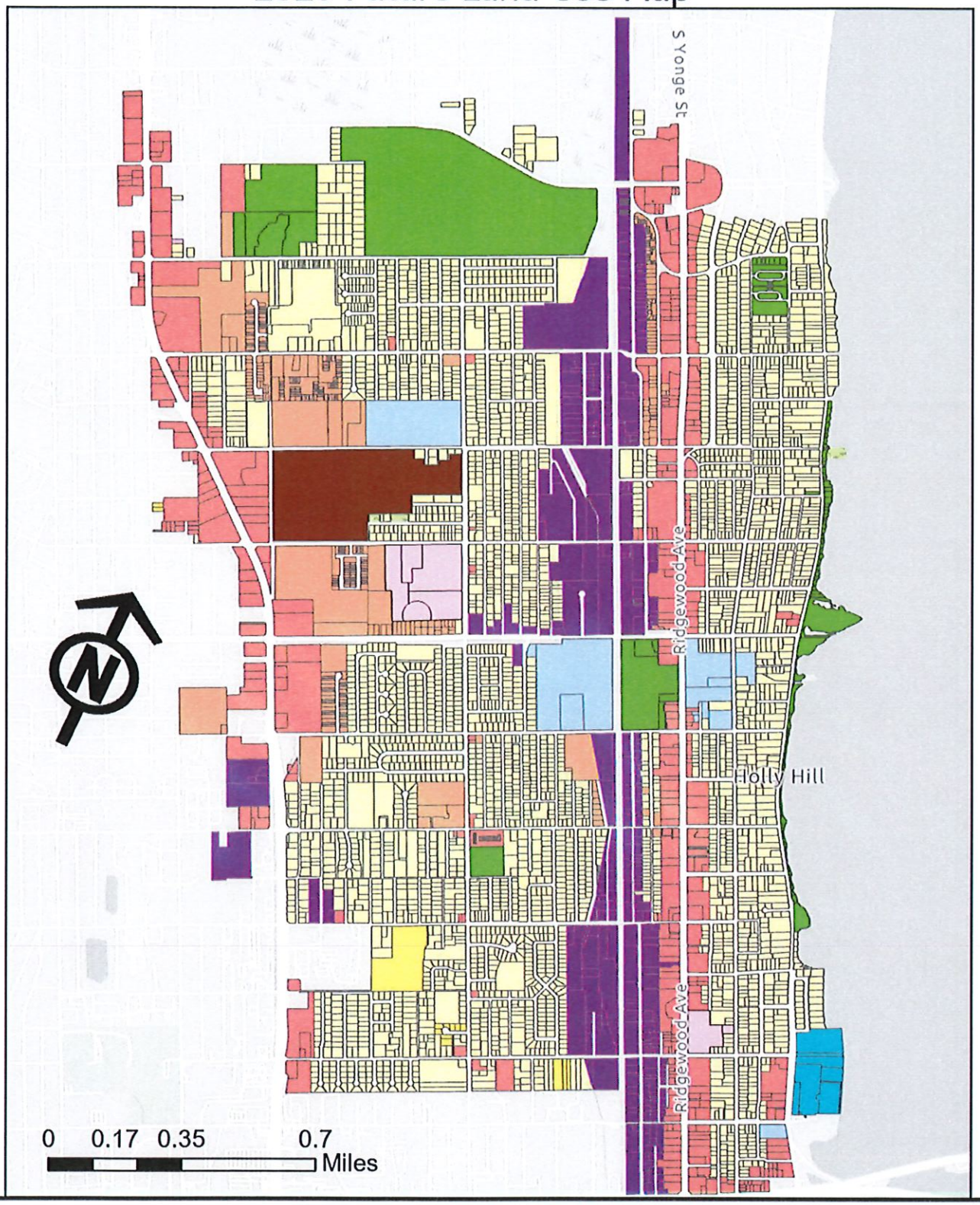
2045 – 13,637

2050 – 13,549

Sources: Estimates and projections by Shimberg Center for Housing Studies, based on 2010 and 2020 U.S. Census data and population projections by the Bureau of Economic and Business Research, University of Florida.

City of Holly Hill

2026 Future Land Use Map



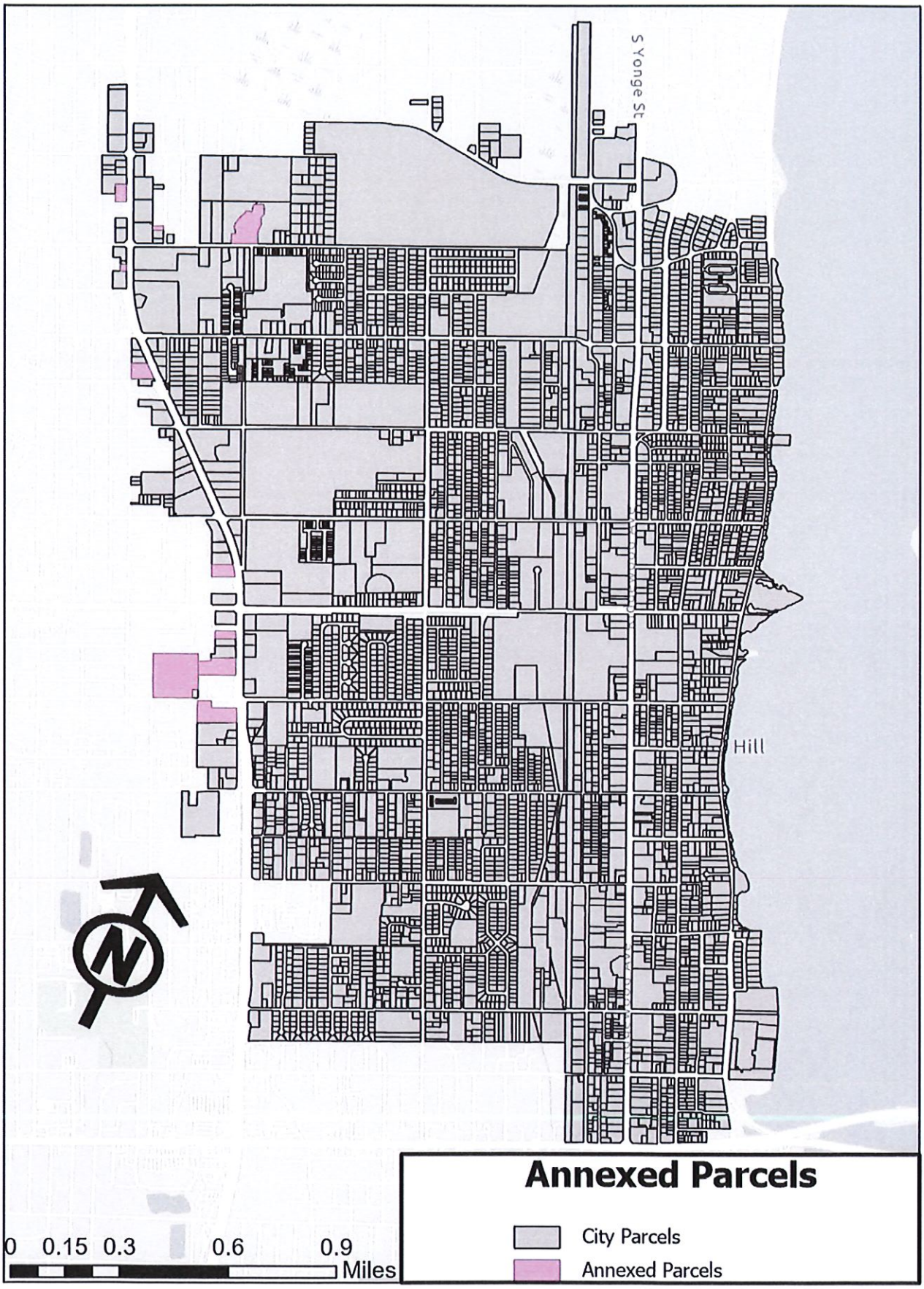
Future Land Use Categories

- Churches Schools & Institutions
- City owned -No City Future Land Use
- Conservation
- General Retail Commercial
- Low Density Residential
- Low Density Single Family Residential
- Low-Medium Density Residential
- Medium Density Residential
- High Density Residential
- Mobile Home Residential
- Parks and Open Space
- Residential-Based Mixed Use
- Wholesale Commercial & Industrial
- General Mixed Use

City of Holly Hill

Annexed Parcels

01/01/2007 - 01/01/2026



Generalized Existing Land Use January 2026

Generalized Land Use Classification	Acres	Percent of Total
Single Family Residential	990.54	32.5%
Multi-Family Residential	212.09	7.0%
Mobile Homes	58.71	1.9%
General Commercial	308.82	10.1%
Heavy Commercial and Industrial	257.02	8.4%
Institutional/Governmental	68.08	2.2%
Recreation and Public Open Space	184.71	6.1%
Utilities	4.04	0.1%
Rights-of-Way, Streets, Ditches, Etc.	304.52	10.0%
Vacant	290.91	9.5%
Open Water (Halifax River)	367.00	12.2%
Total	3046.44	100.00%

Source: City of Holly Hill GIS and Volusia County Property Appraiser

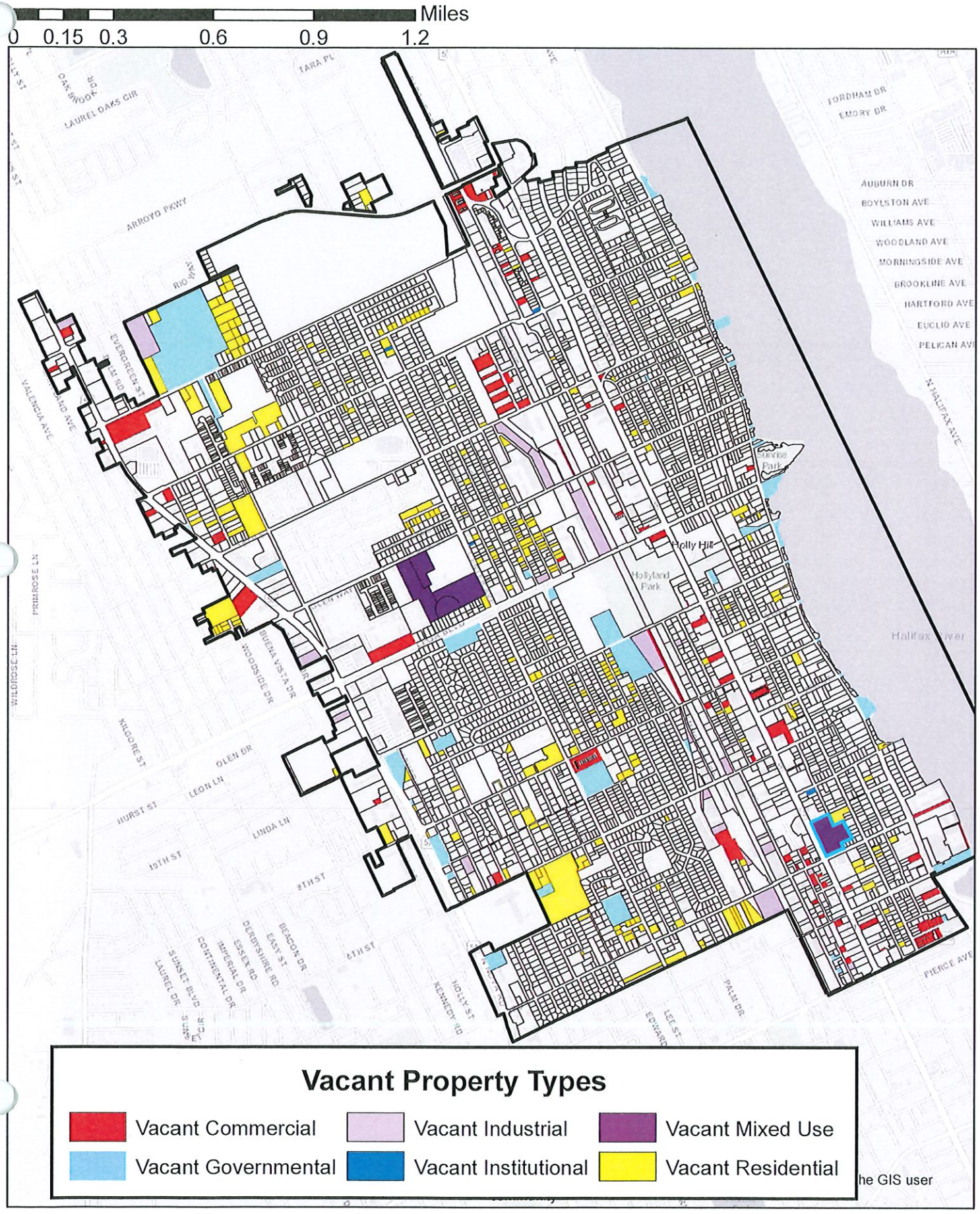
Vacant Land Residential Carrying Capacity
As of January 2026

Future Land Use	Max Density	Acres	Gross Density (Dwelling Units)	Gross Population
Low Density Residential	6	23.88	143	315
Low/Med Density Residential	10	48.78	487	1,071
Med. Density Residential	19	20.22	384	844
Residential Based Mixed Use	35	5.22	182	400
General Mixed Use	35	20.91	731	1,608
	Total:	**119.01**	**1,927**	**4,238**

Source: City of Holly Hill Planning Division, GIS

City of Holly Hill, FL

Vacant Property Inventory
January 2026



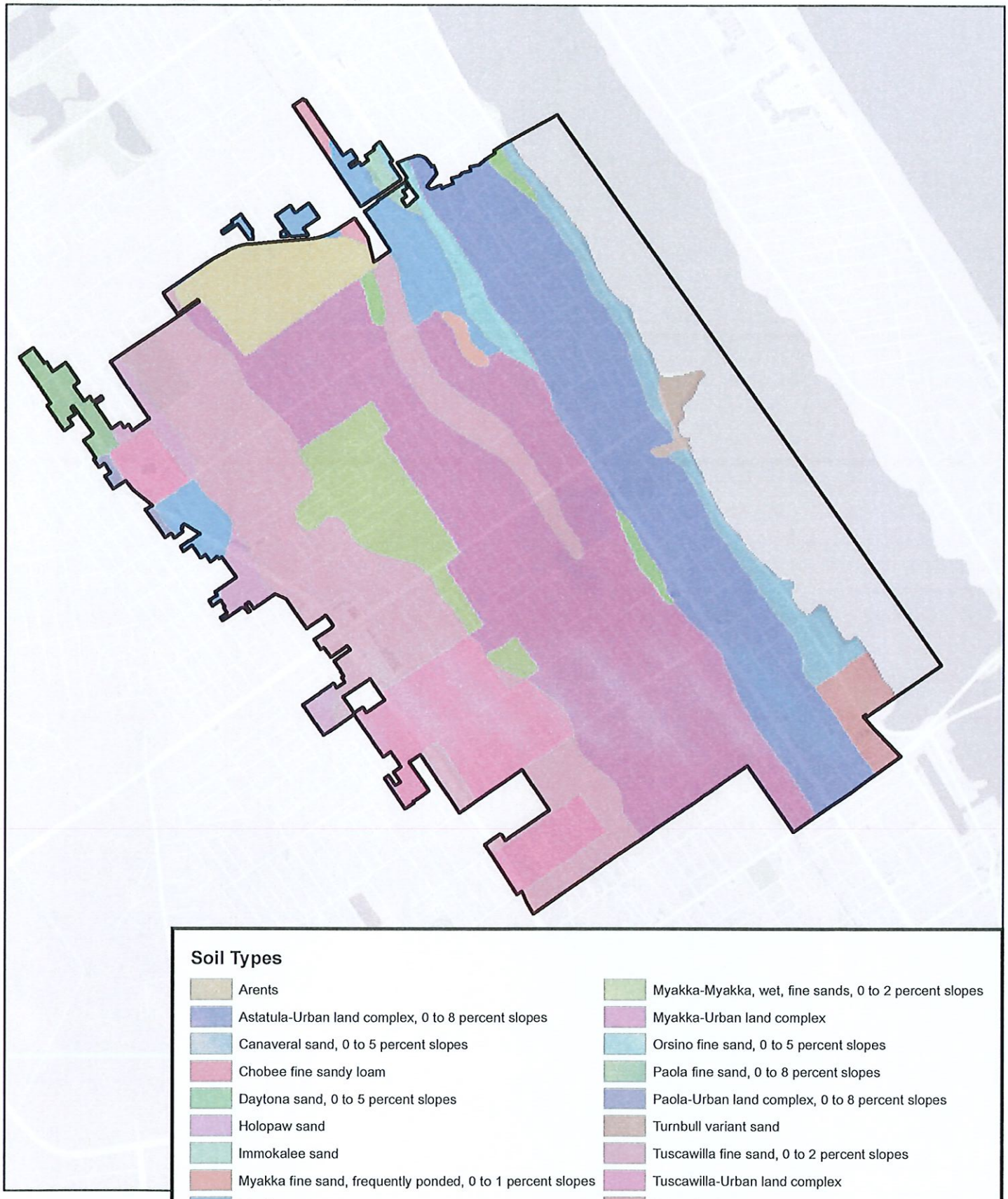
he GIS user

City of Holly Hill, FL

Soils Survey

Miles

0 0.15 0.3 0.6 0.9 1.2



Soil Types

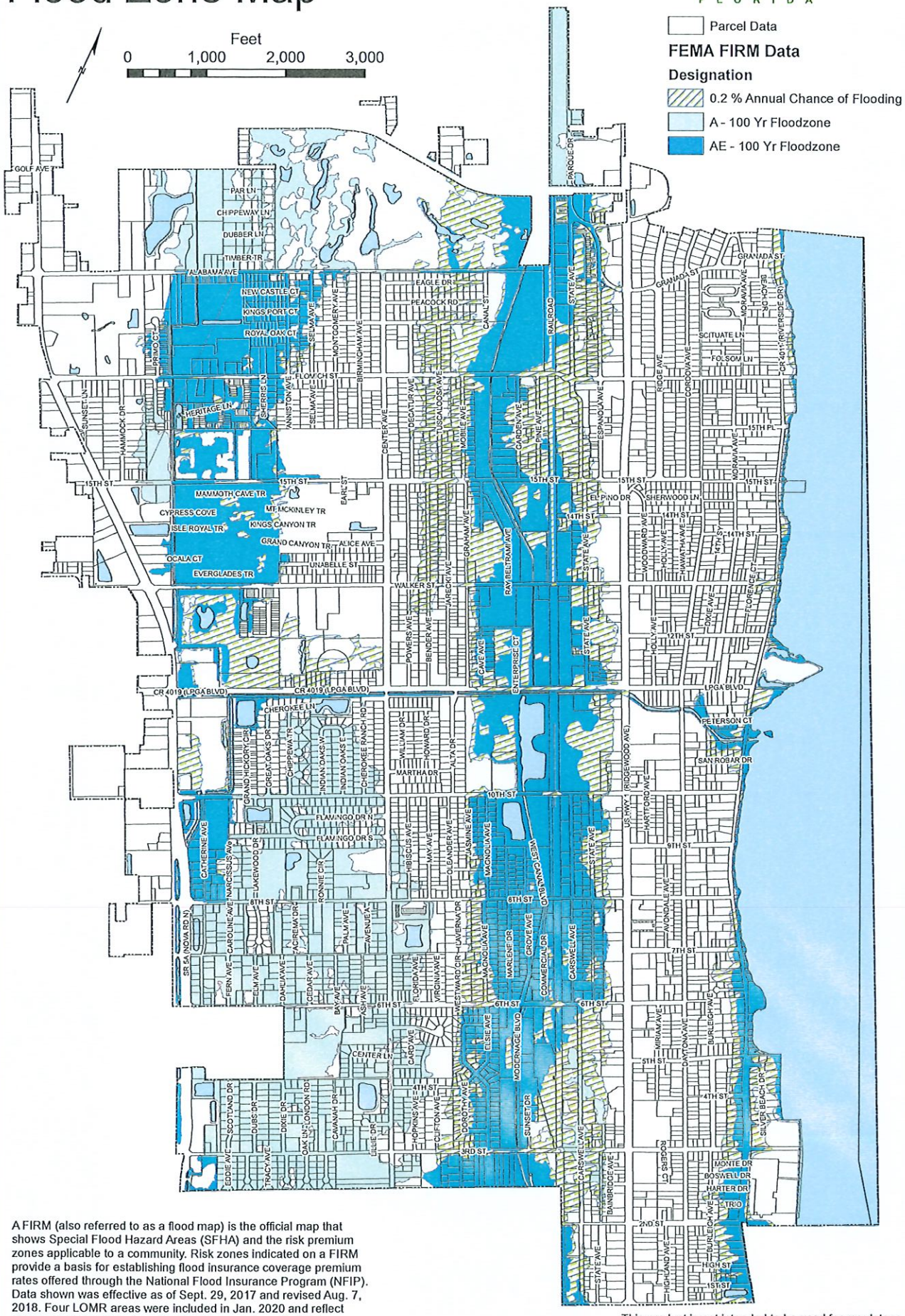
- Arents
- Astatula-Urban land complex, 0 to 8 percent slopes
- Canaveral sand, 0 to 5 percent slopes
- Chobee fine sandy loam
- Daytona sand, 0 to 5 percent slopes
- Holopaw sand
- Immokalee sand
- Myakka fine sand, frequently ponded, 0 to 1 percent slopes
- Myakka variant fine sand
- Myakka-Myakka, wet, fine sands, 0 to 2 percent slopes
- Myakka-Urban land complex
- Orsino fine sand, 0 to 5 percent slopes
- Paola fine sand, 0 to 8 percent slopes
- Paola-Urban land complex, 0 to 8 percent slopes
- Turnbull variant sand
- Tuscawilla fine sand, 0 to 2 percent slopes
- Tuscawilla-Urban land complex
- Urban land, 0 to 2 percent slopes

City of Holly Hill, Florida

Flood Zone Map

2-20-2024

HOLLY HILL
FLORIDA

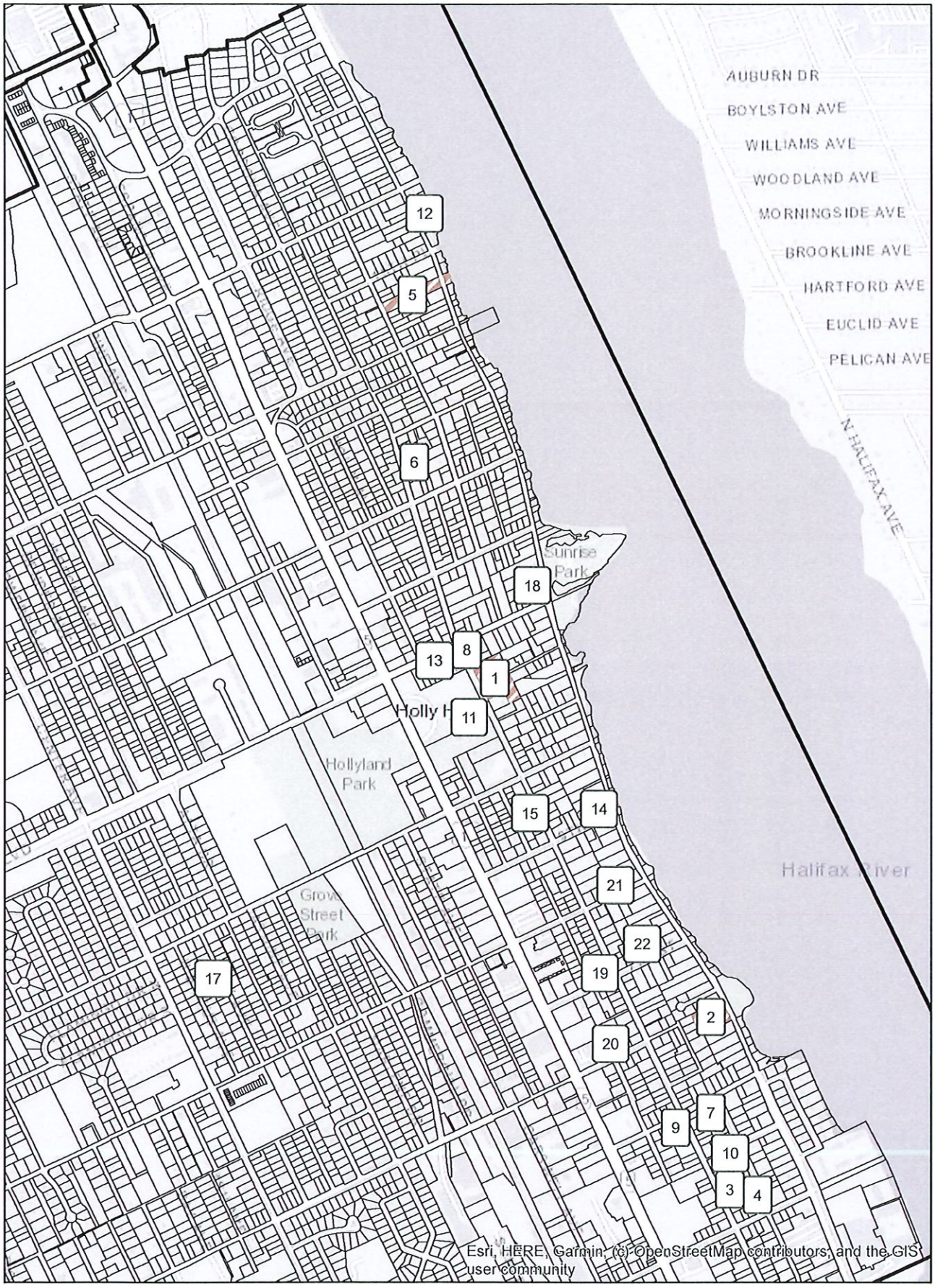


A FIRM (also referred to as a flood map) is the official map that shows Special Flood Hazard Areas (SFHA) and the risk premium zones applicable to a community. Risk zones indicated on a FIRM provide a basis for establishing flood insurance coverage premium rates offered through the National Flood Insurance Program (NFIP). Data shown was effective as of Sept. 29, 2017 and revised Aug. 7, 2018. Four LOMR areas were included in Jan. 2020 and reflect changes ranging from Aug. 28, 2018 through Jan. 10, 2020.

This product is not intended to be used for regulatory purposes and should only be used as a planning and visualization tool.

City of Holly Hill, FL

Historical Sites as of 2026



See Legend

Miles

0 0.1 0.2 0.4 0.6

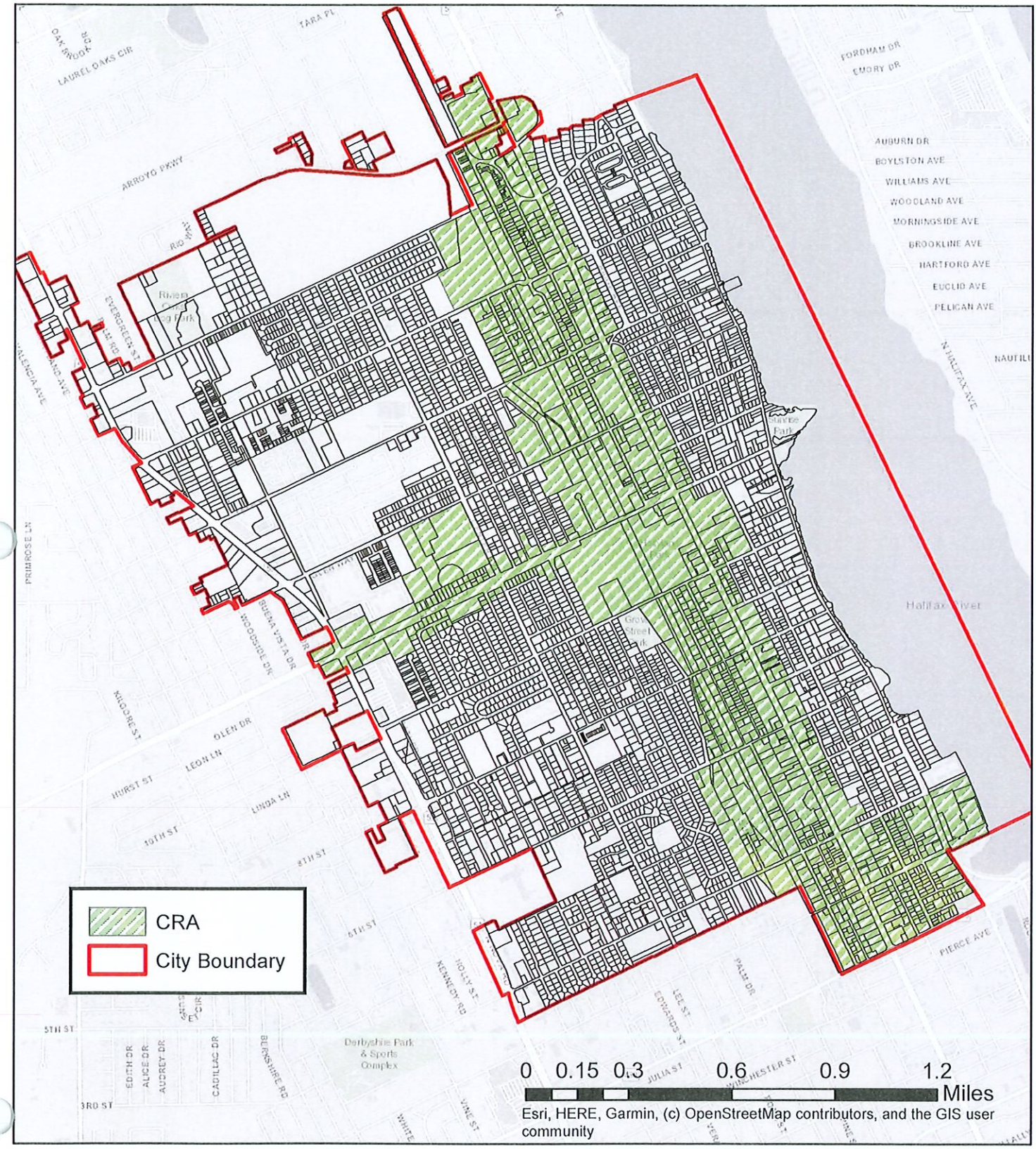
Historic Map Key

Map Key	Address Number	Address Street	Description
1	1065	DAYTONA AVE	Sica Hall/Historical Society Museum
2	558	RIVERSIDE DRIVE	Landmark Plaque Awarded 2005 MABBETTE HOUSE aka RIVER LILY INN BED & BREAKFAST 1918
3	323	DAYTONA AVENUE	Landmark Plaque Awarded 2005 Mary Gordon
4	312	BURLEIGH AVENUE	Landmark Plaque Awarded 2005 William Havlin 1923
5	1530	RIVERSIDE DRIVE	Landmark Plaque Awarded 2005 Julian Hogan 1899
6	1321	DAYTONA AVENUE	Landmark Plaque Awarded 2005 John Paulsen & Alan Parsons (pink 2-story sits way back) 1923
7	428	BURLEIGH AVENUE	Landmark Plaque Awarded 2005 Daniel & Dianne Stapf 2-story Med Rev 1925 Mr. Burleigh home next-door demo
8	167	LPGA BLVD	Landmark Plaque Awarded 2005 PUTTEN HOUSE 1904 167 LPGA & Daytona Av
9	428	DAYTONA AVENUE & 5th St	Landmark Plaque Awarded 2005 Patricia & William Speers 1924
10	348	BURLEIGH AVENUE	Landmark Plaque Awarded 2005 Tracie & Paulie Thomas 1944
11	1050	DAYTONA AVENUE	Landmark Plaque Awarded 2005 UNION CONGREGATIONAL CHURCH 1914
12	1589	RIVERSIDE DRIVE	Landmark Plaque Awarded 2006 James & Peggy Ainslie 1926 Bungalow on river (only one with garage apt.)
13	201	LPGA AVENUE	Landmark Plaque Awarded 2006 Richard & Nadine Williams 12 OAKS-QUANEBAUME HOUSE 1918
14	900	RIVERSIDE DRIVE	Landmark Plaque Awarded 2006 Daniel Thomas CARTER HOUSE (Oldest home 1877)
15	920	DAYTONA AVENUE	Landmark Plaque Awarded 2006 Edward & Claire Wyland
16	154	4TH STREET	Landmark Plaque Awarded 2006 Barry & Joanne Zinn Spanish Bungalow 1923
17	912	MAY AVENUE	Landmark Plaque Awarded 2006 Wilson & Carolyn Glass (moved from 6TH & US1) 1925
18	1112	RIVERSIDE DRIVE	Landmark Plaque Awarded 2006 Doug & Anne Kneller GRABE BUILDING & ORIGINAL DOWNTOWN 1928
19	700	DAYTONA AVENUE	Landmark Plaque Awarded 2007 Vidya Bhoolai MEAHL HOSPITAL 1923
20	220	6TH STREET	Landmark Plaque Awarded 2007 Randall Davis FIRST SCHOOLHOUSES 1885
21	116	8TH STREET	Landmark Plaque Awarded 2007 Julie Huettle TURRET HOUSE 1925
22	128	7TH STREET	Landmark Plaque Awarded 2007 Ron Wright Mediterranean-Revival 2-story

Holly Hill Historic Society - 2025

City of Holly Hill, FL

Community Redevelopment Area Boundaries



Future Land Use Categories	Zoning Districts																						
	CF	R-1	R2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	MXD 2	MXD-3	B-1	B-2	-B3	B-4	B-5	B-6	CC-1	I-1	I-2	PUD
Low Density Residential	M	C	C	C	C	C	M	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	M
Low-Medium Density Residential	M	C	C	C	C	C	M	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	M
Medium Density Residential	M	N	N	N	N	N	C	C	C	N	N	N	N	N	N	M	N	N	N	N	N	N	M
High Density Residential	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	C
Mobile Homes	M	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	M
General Commercial	M	N	N	N	N	N	N	N	N	N	N	M	N	C	C	C	C	C	C	C	N	N	M
Wholesale Commercial and Industrial	M	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	M
Churches, Schools & Institutions	M	M	M	M	M	N	M	M	M	N	N	N	N	M	M	M	M	M	M	M	N	N	M
Recreation and Open Space	C	M	M	M	M	M	M	M	M	M	N	N	N	M	M	M	M	M	M	M	M	M	M
Conservation	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	M
Residential-Based Mixed Use	N	N	N	N	N	N	N	N	N	N	M	M	M	N	N	N	N	N	N	N	N	N	C
General Mixed Use	N	N	N	N	N	N	N	N	N	N	M	M	M	N	N	N	N	N	N	N	N	N	C

Key: "C" indicates the zoning classification **is compatible** with the future land use category; "M" indicates the zoning classification **may be compatible** under certain circumstances; "N" indicates the zoning classification **is not compatible** with the future land use category.

Legal Description of Parcels with Commercial Use Limitation.

Parcels

4242-86-03-0240, 4242-86-02-0040, 4242-04-34-0220, 4242-86-02-0070, 4242-86-02-0030 4242-86-03-0260, 4242-86-02-0060, 4242-86-03-0250, 4242-86-02-0050, 4242-86-02-0011

LEGAL DESCRIPTION:

(NO. 1 - ORIGINAL OWNERSHIP OF REAR PARCEL.)

PARCEL 1:

PART OF THE NORTH 1/2 OF LOTS 22 AND 23, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT PER MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 22, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT AS PER MAP BOOK 1, PAGE 1, THENCE N 72 DEGREES 01 MINUTES 52 SECONDS E ALONG THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 72 DEGREES 01 MINUTES 52 SECONDS E ALONG SAID NORTH LINE OF LOTS 22 AND 23, A DISTANCE OF 470.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 23, THENCE S 17 DEGREES 57 MINUTES 09 SECONDS E ALONG THE EAST LINE OF THE NORTH 1/2 OF LOT 23, A DISTANCE OF 329.24 FEET TO THE SOUTHEAST COMER OF THE NORTH 1/2 OF LOT 23;

THENCE S 72 DEGREES 07 MINUTES 06 SECONDS W ALONG THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOTS 22 AND 23, A DISTANCE OF 470.00 FEET; THENCE N 17 DEGREES 57 MINUTES 09 SECONDS W A DISTANCE OF 139.14 FEET; THENCE S 72 DEGREES 07 MINUTES 06 SECONDS W TO THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD A DISTANCE OF 160.00 FEET; THENCE N 17 DEGREES 57 MINUTES 09 SECONDS W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 120.00 FEET; THENCE N 72 DEGREES 01 MINUTES 52 SECONDS E, A DISTANCE OF 160.00 FEET; THENCE N 17 DEGREES 57 MINUTES 09 SECONDS W, A DISTANCE OF 69.14 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

PART OF THE NORTH ONE-HALF OF LOT 22, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT, OF RECORD IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 22; THENCE NORTH 72 DEGREES 01 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 40.00 FEET TO A POINT IN THE EAST RIGHT-OF-WAY EASEMENT LINE OF OLD KINGS ROAD PER OFFICIAL RECORDS BOOK 2881, PAGES 1193 AND 1194, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 17 DEGREES 57 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 129.14 FEET TO THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 01 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHERLY 129.14 FEET OF SAID LOT 22, A DISTANCE OF 150.00 FEET; THENCE SOUTH 17 DEGREES 57 MINUTES 09 SECONDS EAST, PARALLEL WITH THE EAST RIGHT- OF-WAY EASEMENT LINE OF SAID OLD KINGS ROAD, A DISTANCE OF 60.24 FEET; THENCE SOUTH 72 DEGREES 07 MINUTES 06 SECONDS WEST A DISTANCE OF 150 FEET TO A POINT IN THE EAST RIGHT-OF-WAY EASEMENT LINE OF SAID OLD KINGS ROAD; THENCE NORTH 17 DEGREES 57 MINUTES 09 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 60.02 FEET TO THE POINT OF BEGINNING.

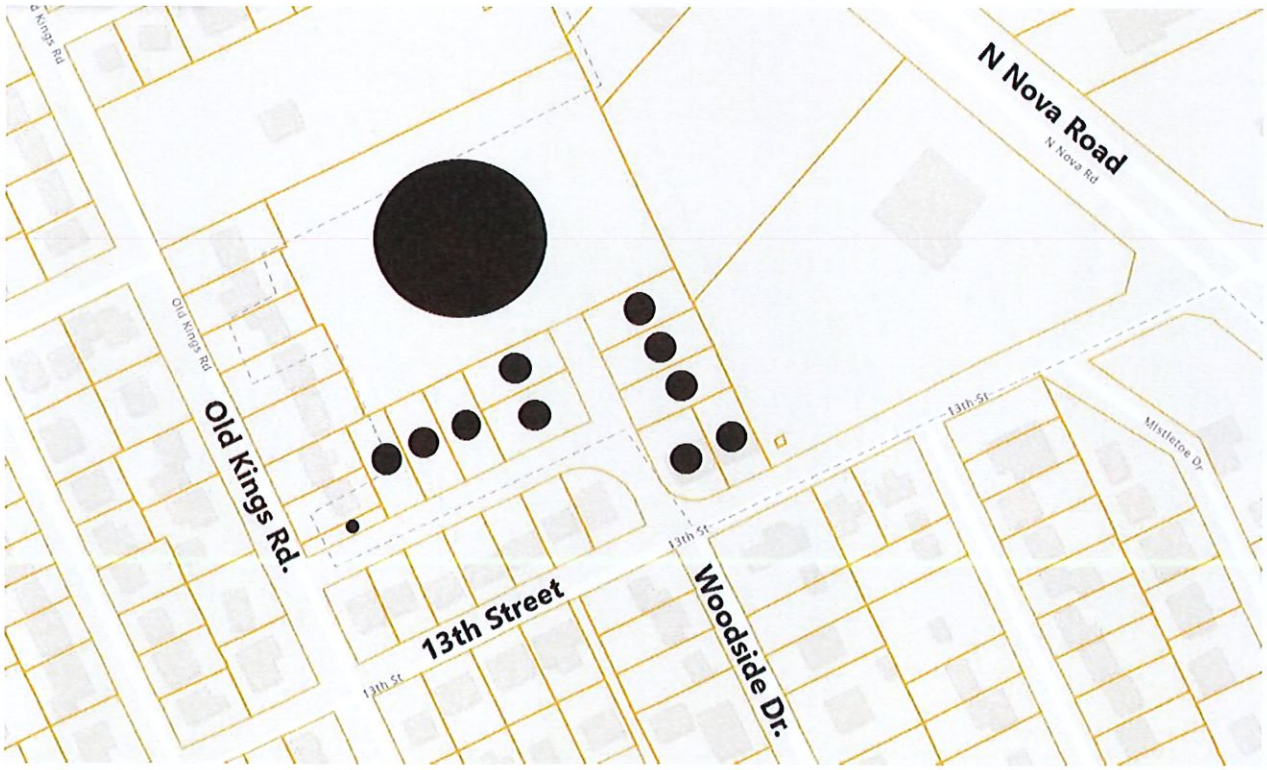
AND LESS AND EXCEPT:

THE SOUTHERLY 60 FEET OF THE NORTHERLY 129.14 FEET OF THE WESTERLY 190.00 FEET OF LOT 22, BLOCK 34, MARY C. FLEMING SUBDIVISION OF THE THOMAS FITCH GRANT OF RECORD IN MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THE WESTERLY 40.00 FEET THEREOF NOW A PART OF THAT RIGHT-OF-WAY EASEMENT PER OFFICIAL RECORDS BOOK 2881, PAGES 1193 AND 1194, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

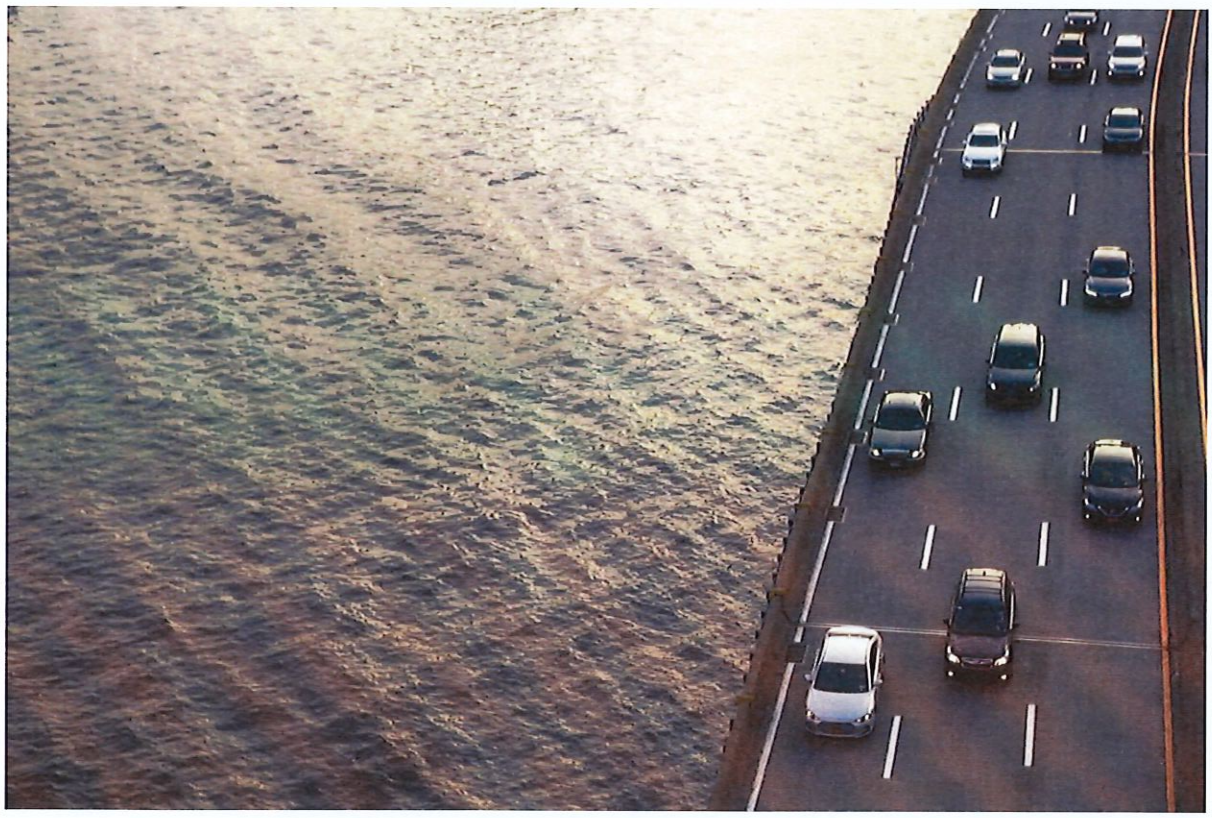
PARCEL 2:

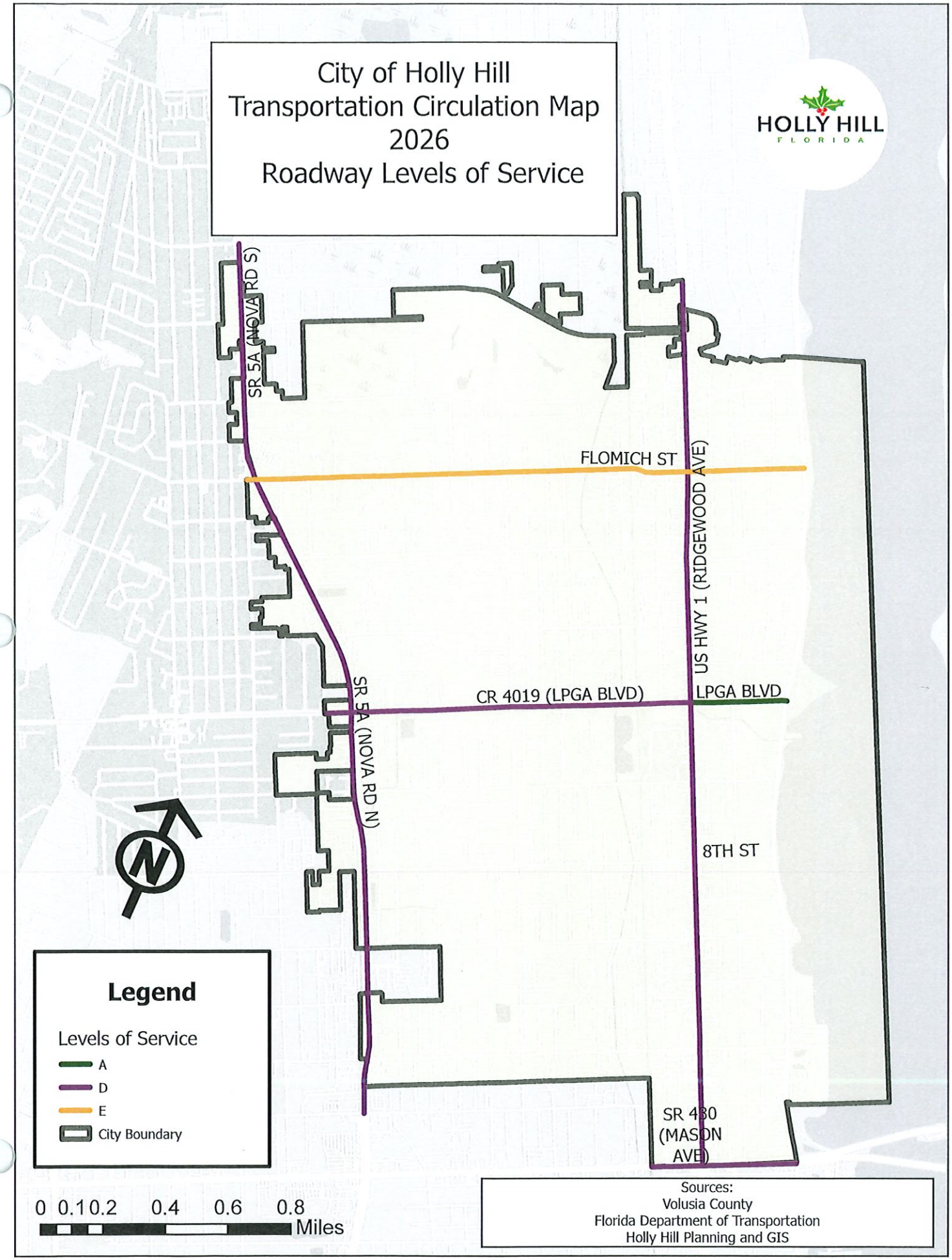
LOT 1, EXCEPT THE NORTH 50.22 FEET, AND ALL OF LOTS 3, 4, 5, 6 AND 7, BLOCK B, AND LOTS 24, 25 AND 26, BLOCK C, AMENDED PLAN OF FLEMING PARK, AS RECORDED IN MAP BOOK 26, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. ALL CONTAINING 5.19 ACRES, MORE OR LESS.

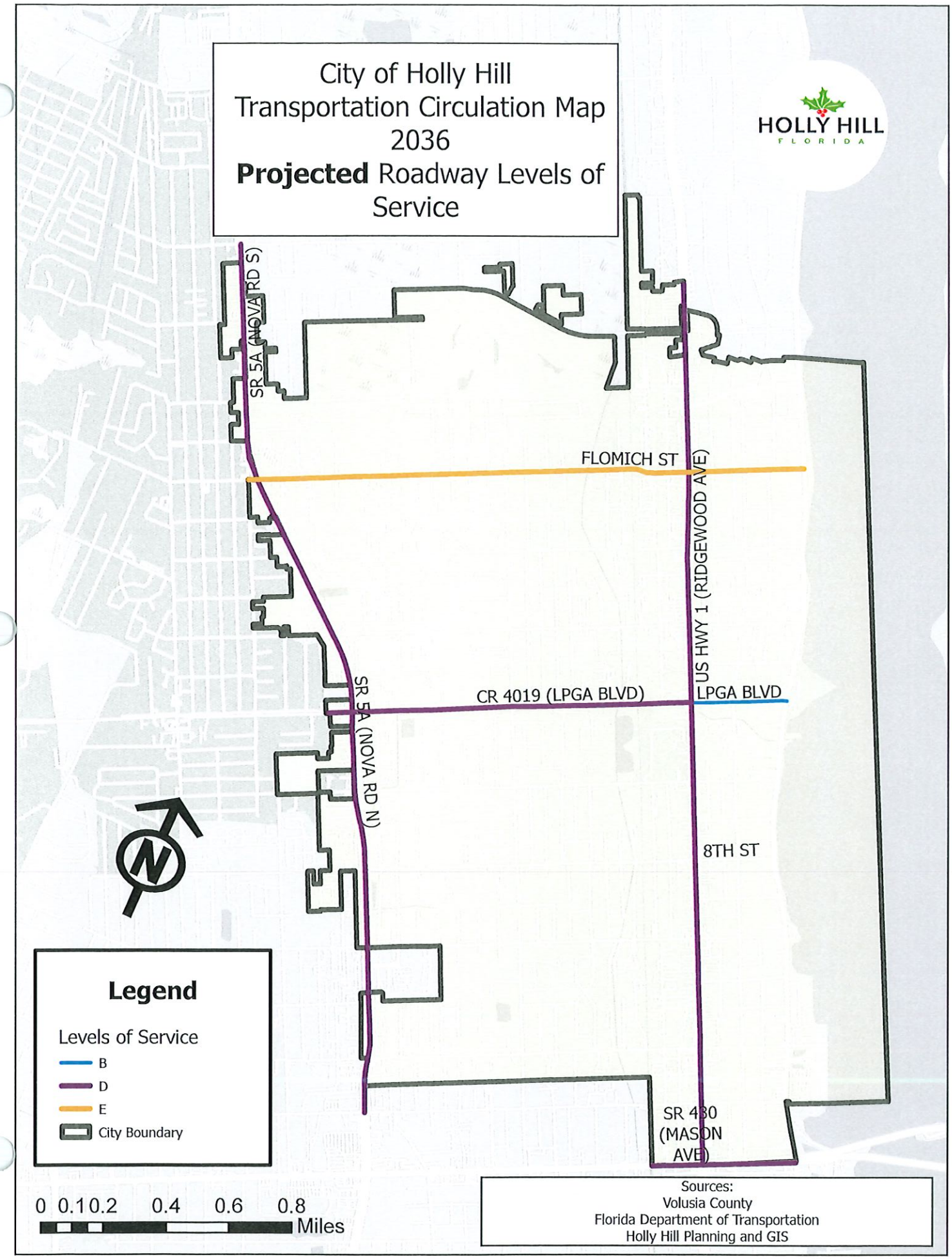
PARCELS WITH "BLACK DOT" ARE DESCRIBED ABOVE AND SUBJECT TO A COMMERCIAL DEVELOPMENT RESTRICTION OF STORAGE USES CONSISTING OF MINI-WAREHOUSE, VEHICLE/TRAILER, AND OUTDOOR COVERED STORAGE USES, LIMITED TO THE TRAFFIC GENERATING EQUIVALENT OF 700 PERSONAL STORAGE UNITS.

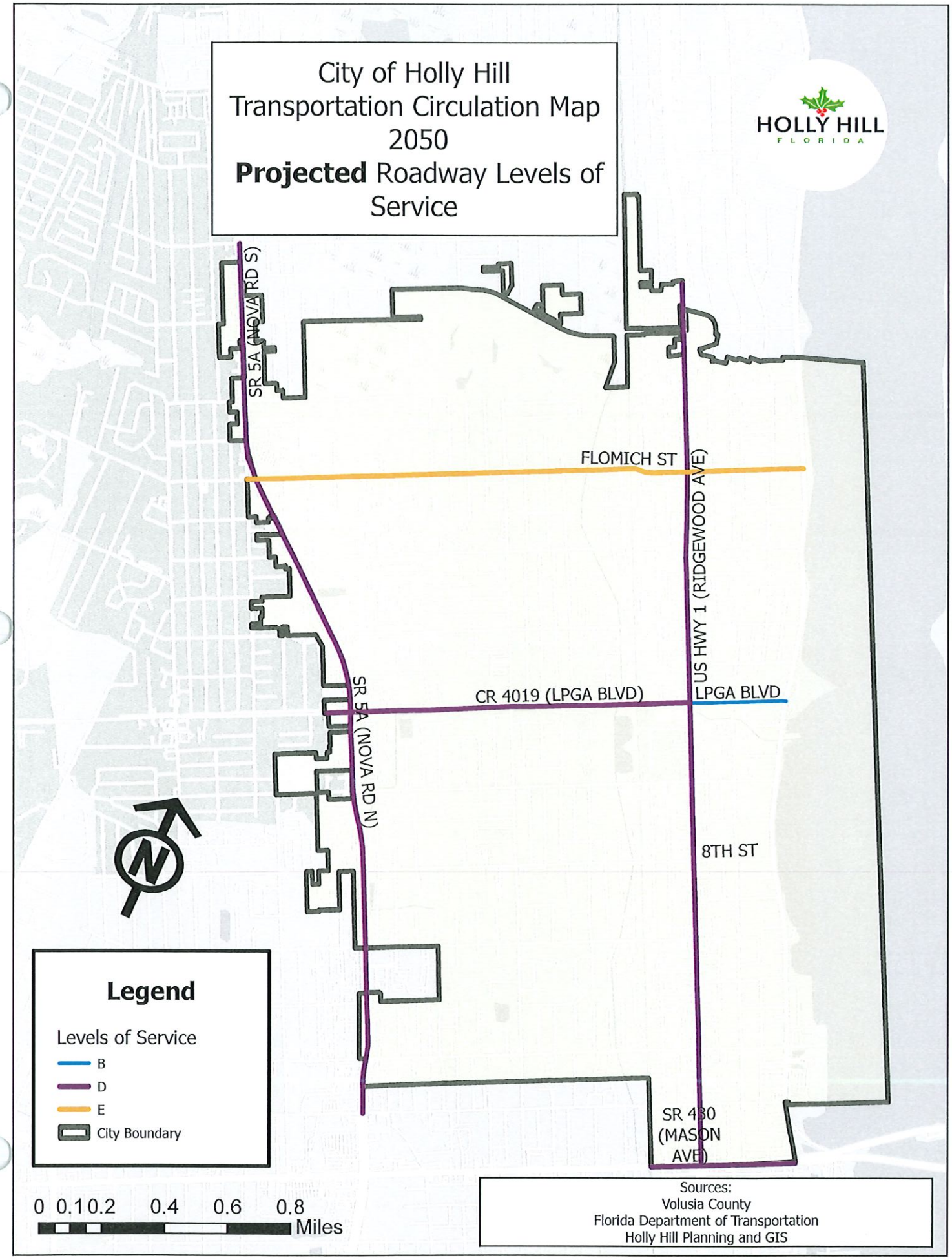


TRANSPORTATION ELEMENT

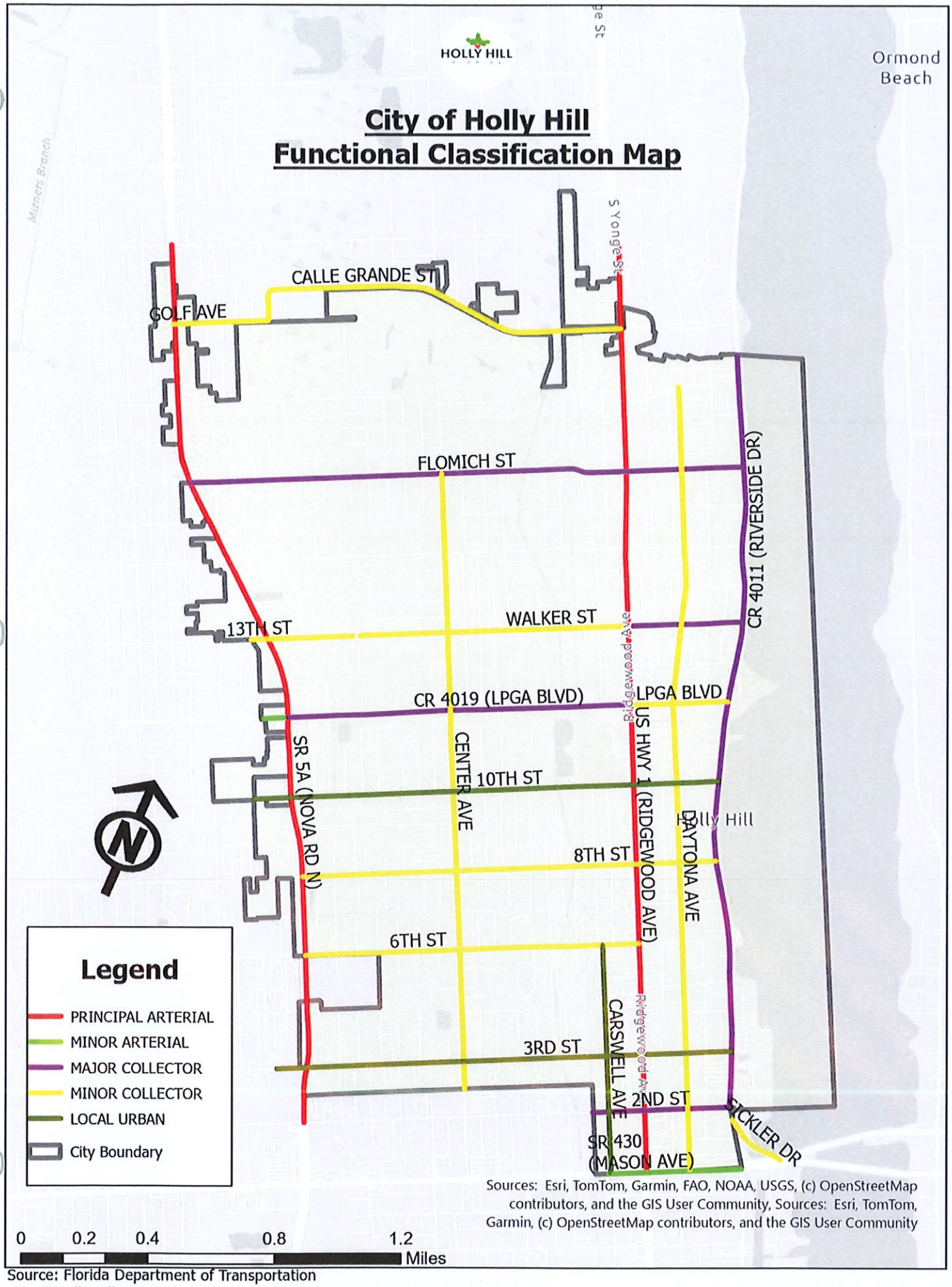



City of Holly Hill
Transportation Circulation Map
2026
Roadway Levels of Service
HOLLY HILL
FLORIDA
SR 5A (NOVA RD S)
FLOMICH ST
US HWY 1 (RIDGEWOOD AVE)
CR 4019 (LPGA BLVD)
LPGA BLVD
SR 5A (NOVA RD N)
8TH ST
SR 430
(MASON
AVE)
N
Legend
Levels of Service
A
D
E
City Boundary
0 0.1 0.2 0.4 0.6 0.8
Miles
Sources:
Volusia County
Florida Department of Transportation
Holly Hill Planning and GIS


City of Holly Hill
Transportation Circulation Map
2036
Projected Roadway Levels of Service
HOLLY HILL
FLORIDA
SR 5A (NOVA RD S)
FLOMICH ST
US HWY 1 (RIDGEWOOD AVE)
CR 4019 (LPGA BLVD)
LPGA BLVD
SR 5A (NOVA RD N)
8TH ST
SR 430 (MASON AVE)
N
Legend
Levels of Service
B
D
E
City Boundary
0 0.1 0.2 0.4 0.6 0.8
Miles
Sources:
Volusia County
Florida Department of Transportation
Holly Hill Planning and GIS


City of Holly Hill
Transportation Circulation Map
2050
Projected Roadway Levels of Service
HOLLY HILL
FLORIDA
SR 5A (NOVA RD S)
FLOMICH ST
US HWY 1 (RIDGEWOOD AVE)
CR 4019 (LPGA BLVD)
LPGA BLVD
SR 5A (NOVA RD N)
8TH ST
SR 430 (MASON AVE)
N
Legend
Levels of Service
B
D
E
City Boundary
0 0.1 0.2 0.4 0.6 0.8
Miles
Sources:
Volusia County
Florida Department of Transportation
Holly Hill Planning and GIS

City of Holly Hill
Functional Classification Map



Source: Florida Department of Transportation
City of Holly Hill GIS

CITY OF HOLLY HILL

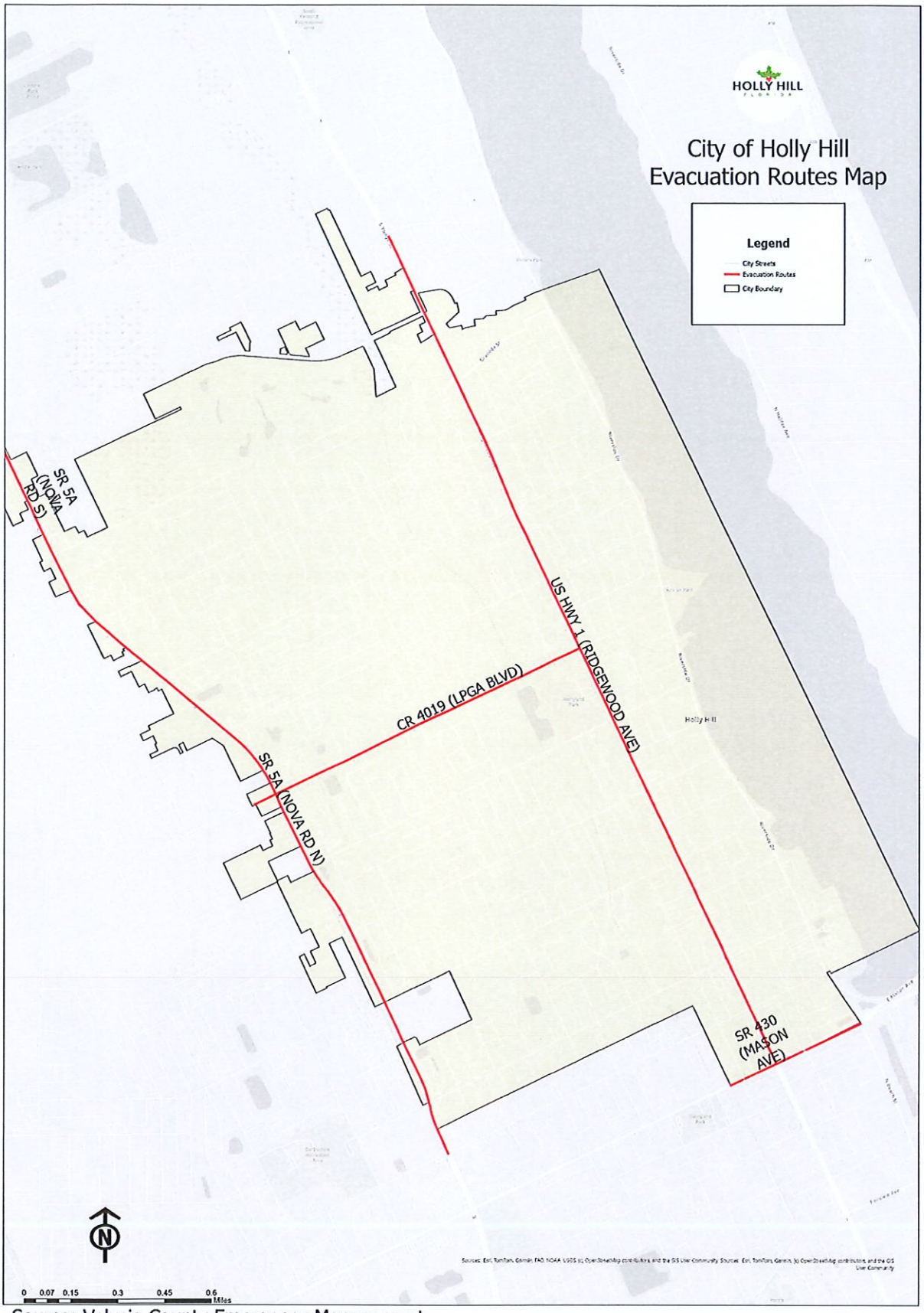
FUNCTIONAL CLASSIFICATION AND LEVELS OF SERVICE 2026, PROJECTED 2036, PROJECTED 2050

Roadway	Segment	Facility Type	2026 AADT	2026 LOS	2036 AADT	2036 LOS	2050 AADT	2050 LOS
Ridgewood Ave (US-1)	Hand Ave → Mason Ave	Urban Arterial – 4-Lane Divided	27,000	D	36,300	D	54,800	F
Nova Rd (SR 5A)	Hand Ave → LPGA Blvd	Urban Arterial – 2-Lane w/ TWLTL	30,500	C	40,900	F	61,900	F
Nova Rd (SR 5A)	LPGA Blvd → 10th St	Urban Arterial – 6-Lane Divided	32,500	C	43,600	C	66,000	E
Nova Rd (SR 5A)	10th St → Brentwood Ave	Urban Arterial – 6-Lane Divided	32,500	C	43,600	C	66,000	E
Nova Rd (SR 5A)	Brentwood Ave → Mason Ave	Urban Arterial – 6-Lane Divided	32,500	C	43,600	C	66,000	E
Riverside Dr	Arroyo Pkwy → Plaza Grande	Urban Collector – 2-Lane	5,570	C	7,490	C	11,300	E
Riverside Dr	Plaza Grande → Flomich St	Urban Collector – 2-Lane	6,240	C	8,390	C	12,700	E
Riverside Dr	Flomich St → Walker St	Urban Collector – 2-Lane	6,240	C	8,390	C	12,700	E
Riverside Dr	Walker St → LPGA Blvd	Urban Collector – 2-Lane	5,980	C	8,040	C	12,100	E
Riverside Dr	LPGA Blvd → Mason Ave	Urban Collector – 4-Lane	7,320	C	9,830	C	14,900	C
Daytona Ave	Mason Ave → Flomich St	Local Road	1,788	n/a	2,400	n/a	3,600	n/a
Center Ave	Mason Ave → Flomich St	Urban Collector – 2-Lane	5,118	C	6,870	C	10,400	E
Mason Ave (SR 430)	Nova Rd → Ridgewood Ave	Urban Arterial – 4-Lane	22,156	B	29,700	C	45,000	E
Mason Ave (SR 430)	Ridgewood Ave → Beach St	Urban Arterial – 4-Lane	22,156	B	29,700	C	45,000	E
3rd Street	Riverside Dr → Nova Rd	Urban Local / Minor Collector	2,052	C	2,750	C	4,200	C
8th Street	Riverside Dr → Nova Rd	Urban Local / Minor Collector	4,542	C	6,090	C	9,200	C
LPGA Blvd	Center Ave → Nova Rd	Urban Arterial – 2-Lane	12,410	D	16,700	D	25,200	E
LPGA Blvd	Center Ave → Ridgewood Ave	Urban Arterial – 2-Lane	9,840	C	13,200	C	19,900	E
Flomich St	Nova Rd → Ridgewood Ave	Urban Collector – 2-Lane	~3,000	C	~4,000	C	~6,100	C

Chart and data created based on methodology from the Florida Department of Transportation (FDOT) 2023 Multimodal Quality/Level of Service Handbook.

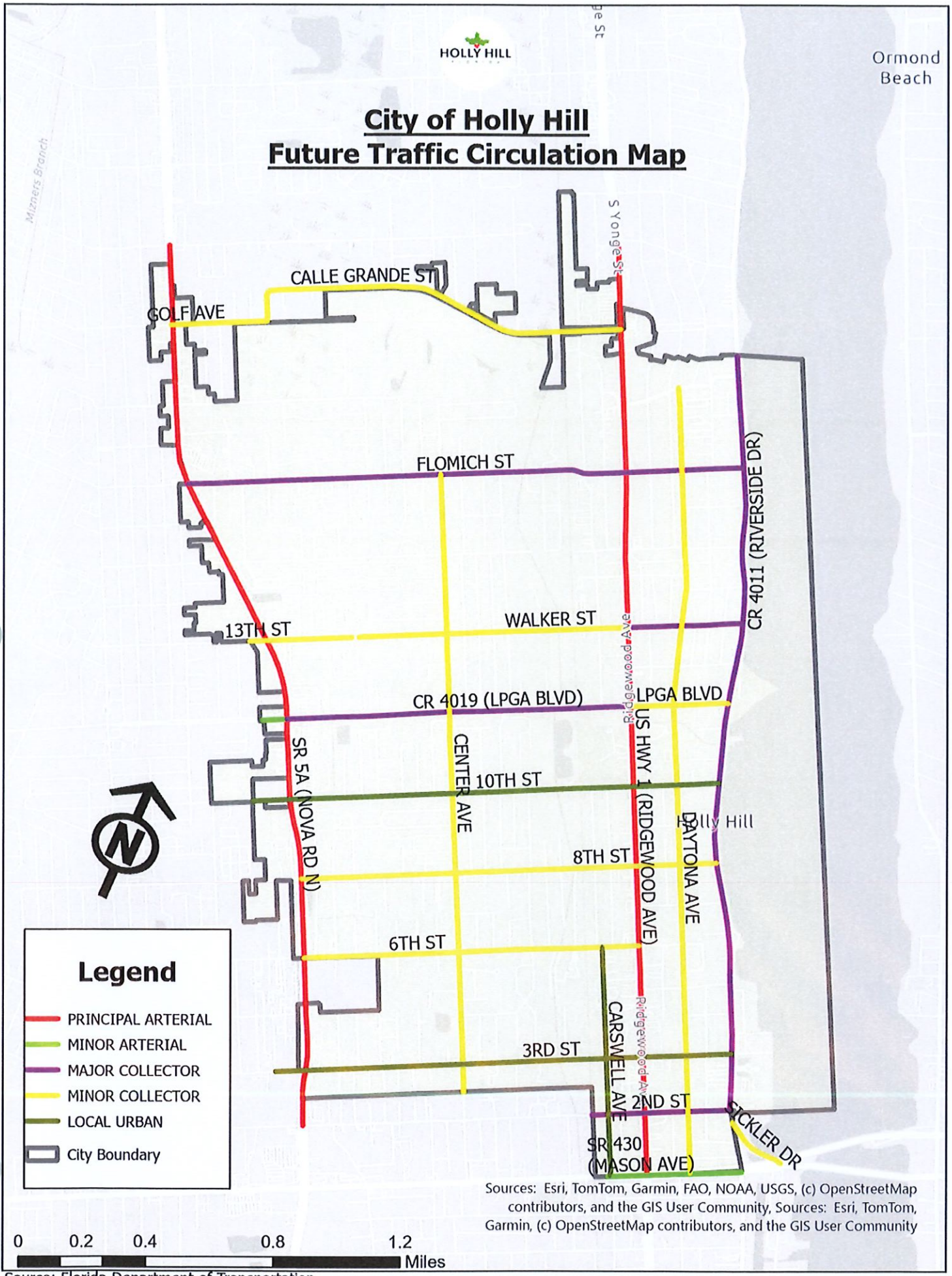
Volusia County Traffic Engineering Department

City of Holly Hill Planning Division



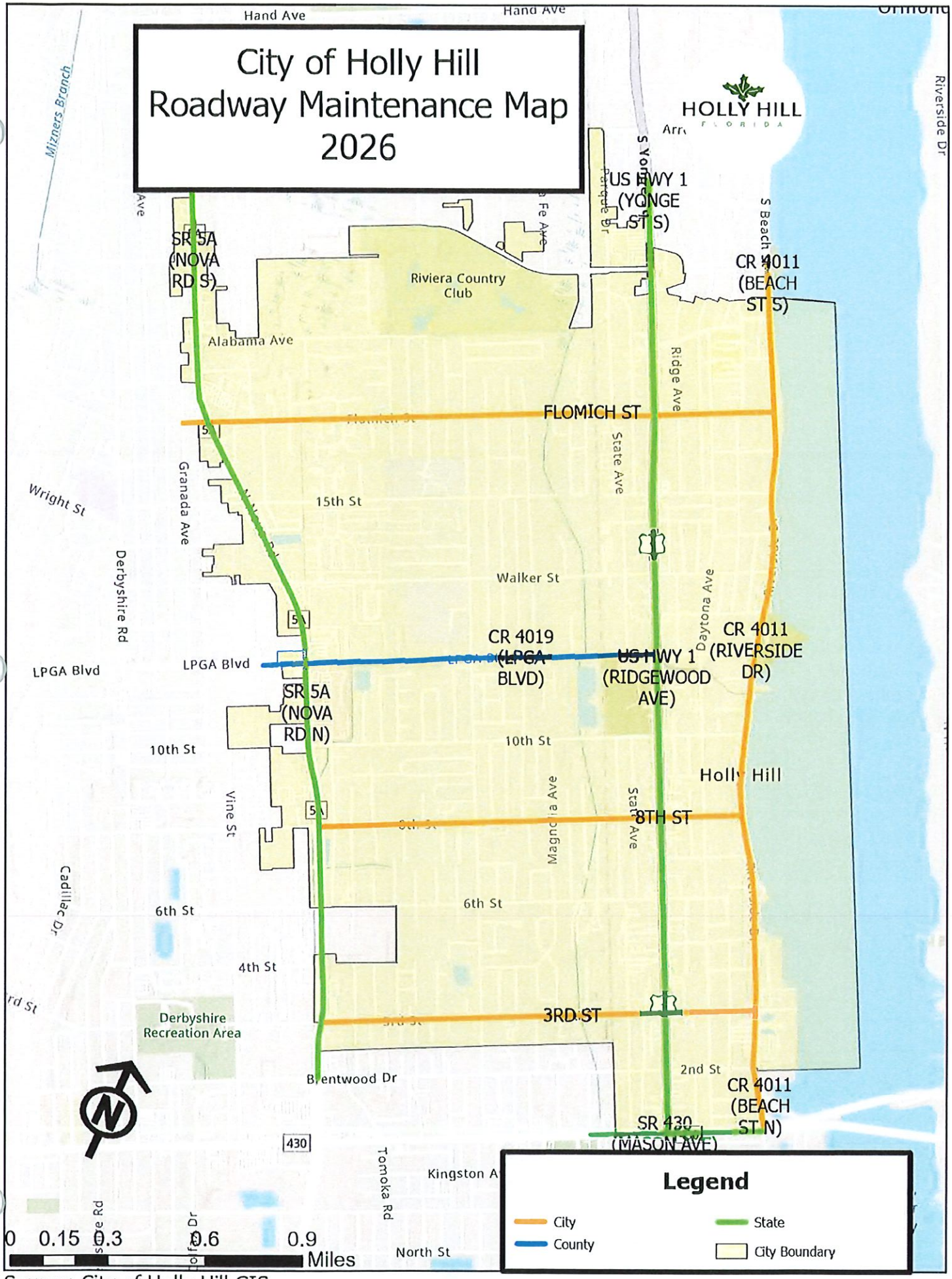
Source: Volusia County Emergency Management
Holly Hill Planning and GIS

City of Holly Hill
Future Traffic Circulation Map



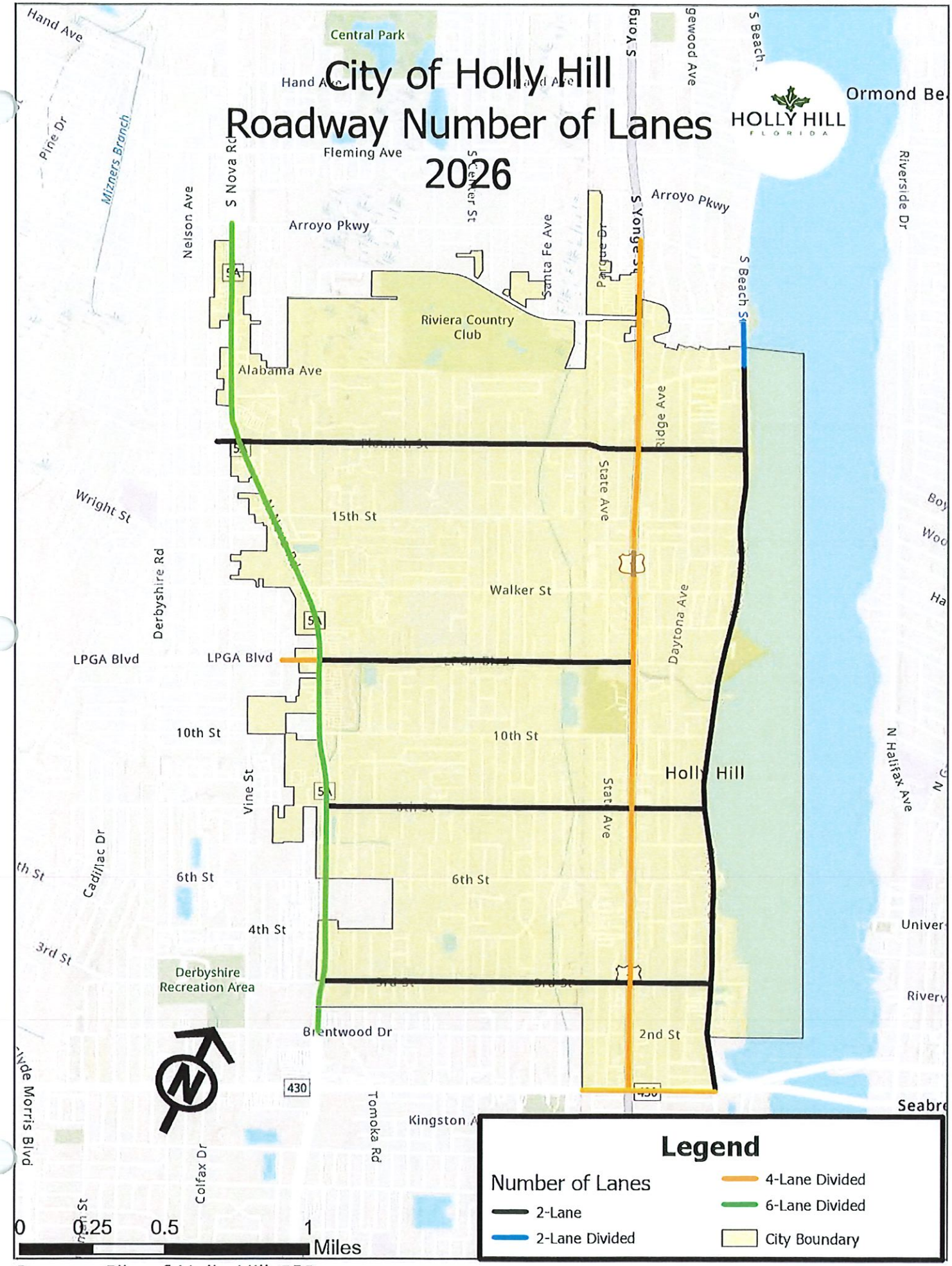
Source: Florida Department of Transportation
City of Holly Hill GIS

City of Holly Hill Roadway Maintenance Map 2026



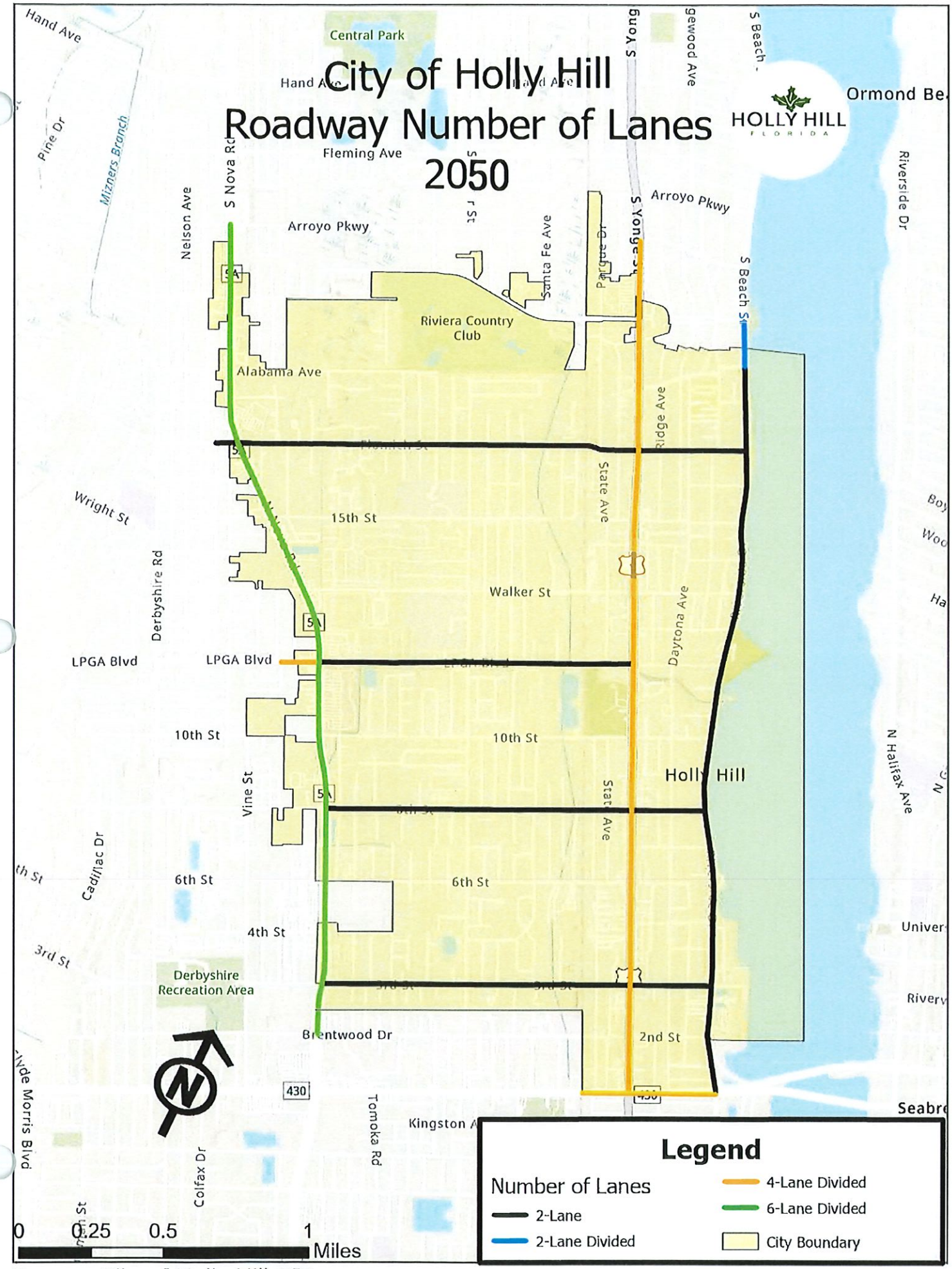
Source: City of Holly Hill GIS

City of Holly Hill
Roadway Number of Lanes
2026



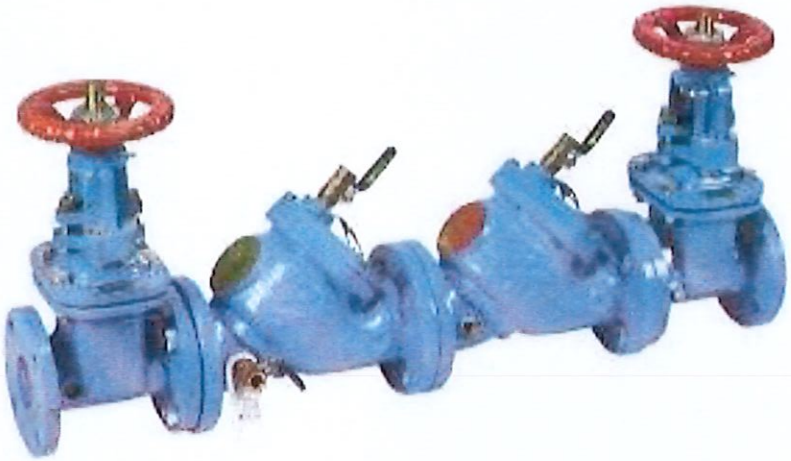
Source: City of Holly Hill GIS

City of Holly Hill
Roadway Number of Lanes
2050



Source: City of Holly Hill GIS

UTILITIES ELEMENT



Water Per Capita for Holly Hill Water Plant						
Pop.	Year	Annual Average MGD	Permitted Max	CUP Annual Average MDG	Gals Per Capita Per Day	
12,178	2014	0.933	2.300	1.6	77 *	
12,308	2015	0.926	2.300	1.61	75 *	
12,438	2016	0.998	2.300	1.61	80 *	
12,568	2017	1.022	2.300	1.62	81 *	
12,698	2018	1.127	2.300	1.63	89 *	
12,828	2019	1.099	2.300	1.63	86 *	
12,958	2020	1.072	2.300	1.65	83 *	
12,975	2021	1.112	2.300	1.65	86 *	
12,992	2022	1.099	2.300	1.67	85 *	
13,010	2023	1.127	2.300	1.67	87 *	
13,091	2024	1.164	2.300	1.68	89 *	
13,172	2025	1.135	2.300	1.68	86*	
13,230	2026	1.323	2.300	1.68	100 **	
13,489	2031	1.349	2.300	1.68	100 **	CUP Renewal
13,624	2036	1.362	2.300	1.68	100 **	
14,002	2050	1.400	2.300	1.68	100 **	

* Historical Data

** Estimated Gals Per Capita Per Day = 100 Gals

1) Holly Hill water Utility has sufficent copacity for community drinking water though the 2050 planning window based on the population.

2) The Plant is permitted for an annual average flow of 2.3 million gallons per day with annual Consumptive Use Permit of an average of 1.7 million gallons of groundwater.

3) The average flow in 2050 is 1.4 million gallons per day.

Holly Hill Wastewater Plant Flows (Historical and Projected)

Data Source - 5Yr Operating Permit Renewal - Permit # FL027677 dated 2023

TABLE 3-1: PROJECTED AVERAGE ANNUAL DAILY INFLUENT FLOW

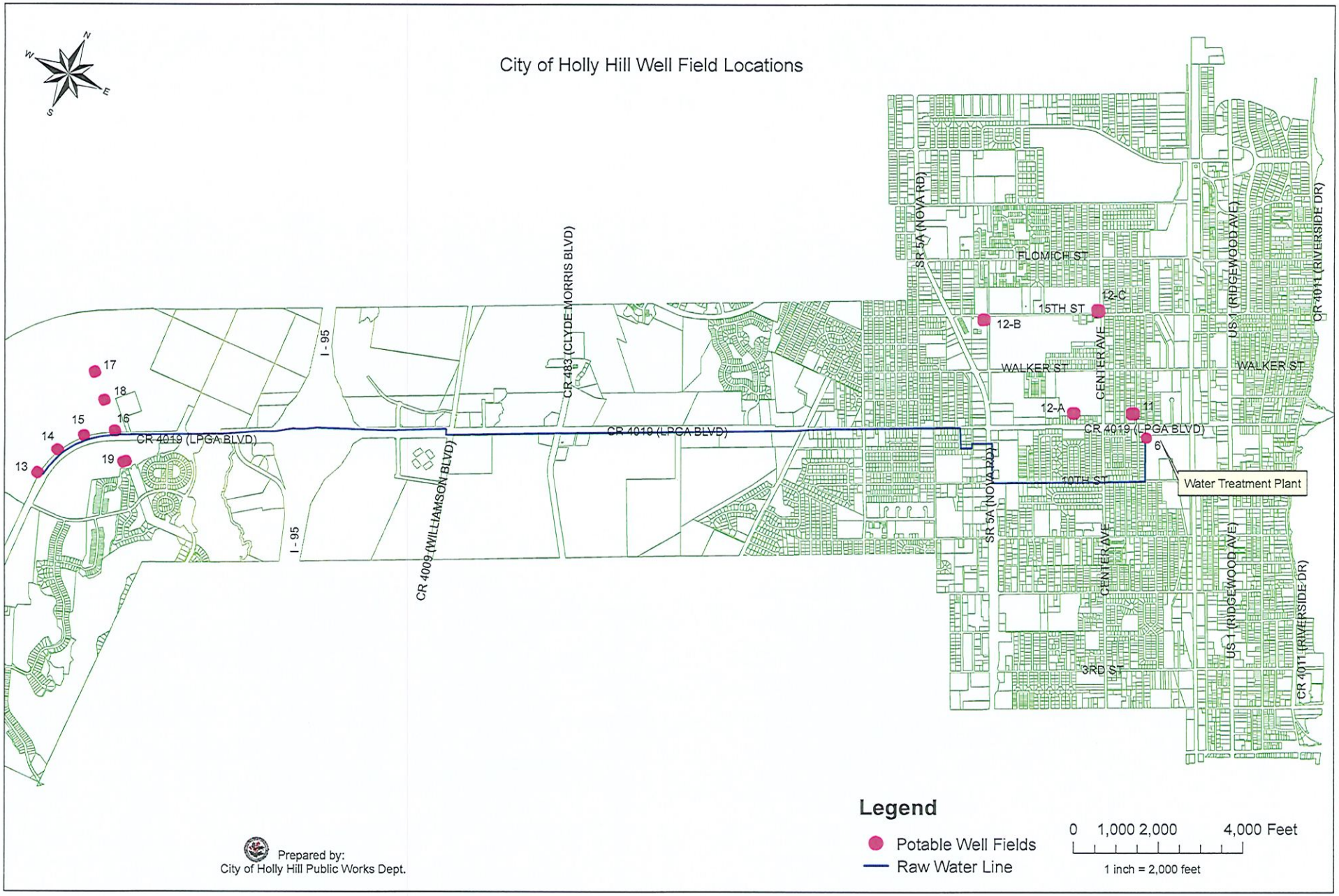
Population	Year	Total Flow Through Plant AADF (MGD)	Permitted Max AADF
12,178	2014	1.74 *	3.000
12,308	2015	1.55 *	3.000
12,438	2016	1.67 *	3.000
12,568	2017	1.77 *	3.000
12,698	2018	2.06 *	3.000
12,828	2019	1.81 *	3.000
12,958	2020	1.88 *	3.000
12,975	2021	1.90 *	3.000
12,992	2022	1.87 *	3.000
13,010	2023	1.87 *	3.000
13,091	2024	1.89 *	3.000
13,172	2025	1.90 *	3.000
13,230	2026	1.92	3.000
13,489	2031	2.01	3.000
13,624	2036	2.10	3.000
14,002	2050	2.45	3.000

* Historical Data

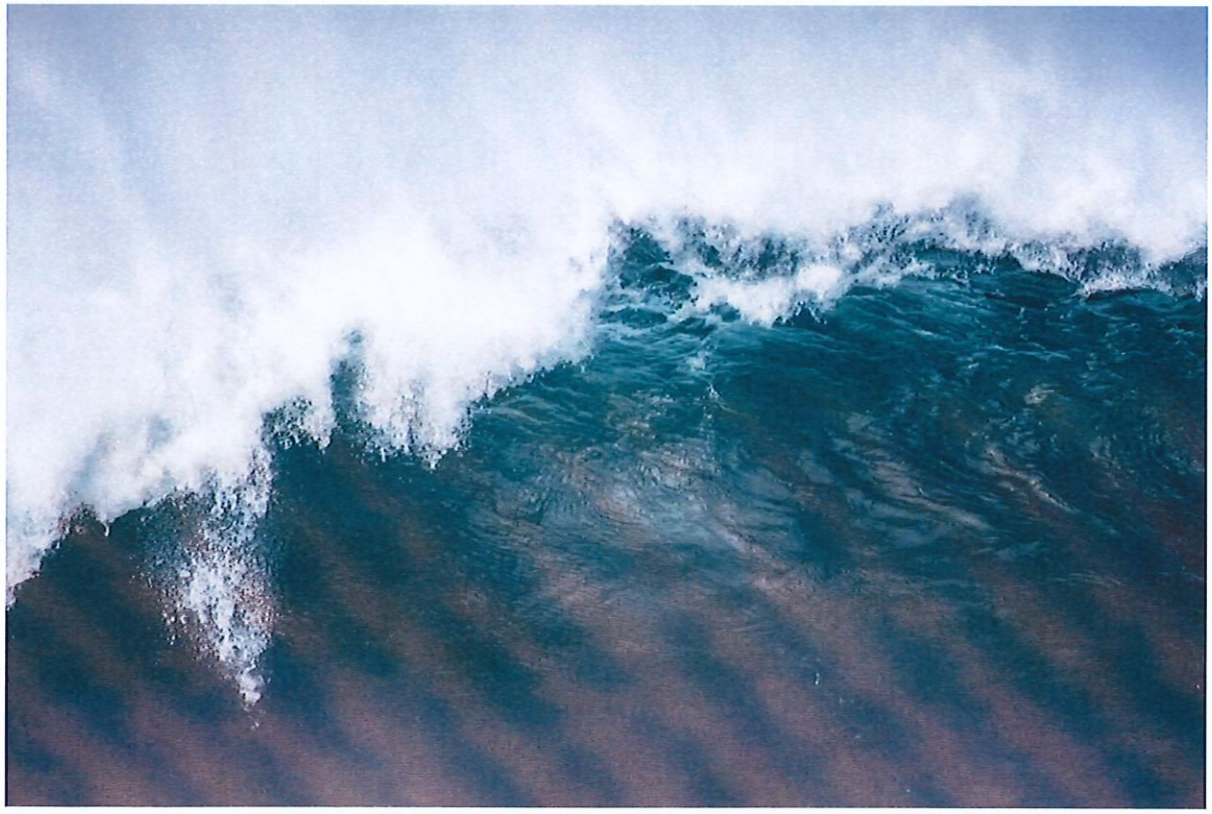
1) Holly Hill Wastewater Utility has sufficent copacity for sewer treatment though the 2050 planning window based on the population.

2) The Plant is permitted for an annual average flow of 3 million gallons per day.

3) The average flow in 2050 is 2.45 million gallons per day.


City of Holly Hill Well Field Locations
N
W
E
S
SR 5A (NOVA RD)
FLOMICH ST
15TH ST
12-B
WALKER ST
CENTER AVE
12-A
11
6
Water Treatment Plant
10TH ST
3RD ST
US 1 (RIDGEWOOD AVE)
CR 4011 (RIVERSIDE DR)
CR 4019 (LPGA BLVD)
I - 95
CR 483 (CLYDE MORRIS BLVD)
CR 4009 (WILLIAMSON BLVD)
13
14
15
16
17
18
19
Legend
Potable Well Fields
Raw Water Line
0 1,000 2,000 4,000 Feet
1 inch = 2,000 feet
Prepared by:
City of Holly Hill Public Works Dept.

COASTAL MANAGEMENT AND CONSERVATION ELEMENT



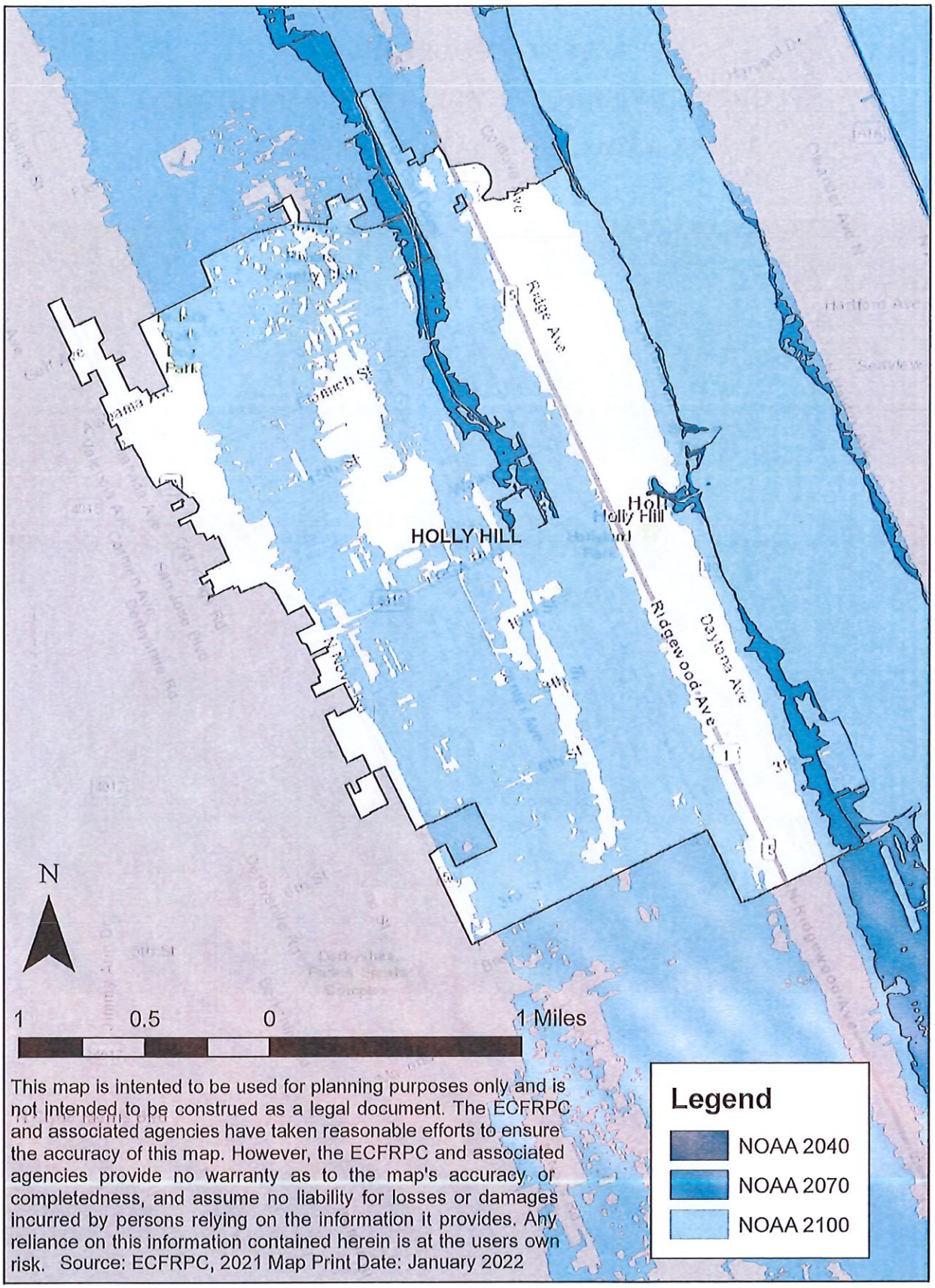
CITY OF HOLLY HILL

FLORIDA DIVISION OF EMERGENCY MANAGEMENT

2021 COASTAL HIGH HAZARD AREAS MAP

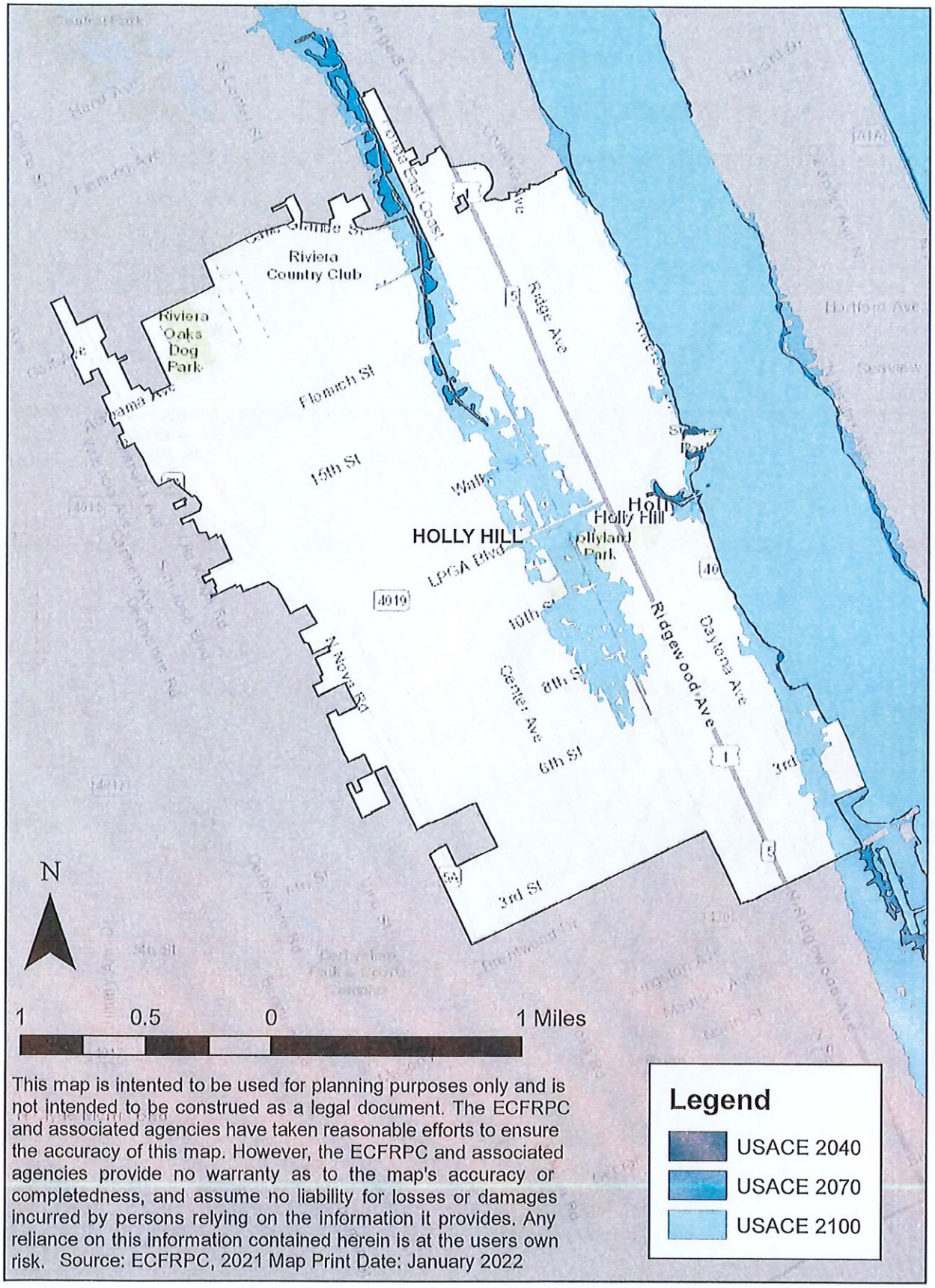


Holly Hill Projected Sea Level Rise (NOAA)



This map is intented to be used for planning purposes only and is not intended to be construed as a legal document. The ECFRPC and associated agencies have taken reasonable efforts to ensure the accuracy of this map. However, the ECFRPC and associated agencies provide no warranty as to the map's accuracy or completedness, and assume no liability for losses or damages incurred by persons relying on the information it provides. Any reliance on this information contained herein is at the users own risk. Source: ECFRPC, 2021 Map Print Date: January 2022

Holly Hill Projected Sea Level Rise (USACE)



This map is intented to be used for planning purposes only and is not intended to be construed as a legal document. The ECFRPC and associated agencies have taken reasonable efforts to ensure the accuracy of this map. However, the ECFRPC and associated agencies provide no warranty as to the map's accuracy or completedness, and assume no liability for losses or damages incurred by persons relying on the information it provides. Any reliance on this information contained herein is at the users own risk. Source: ECFRPC, 2021 Map Print Date: January 2022

CITY OF HOLLY HILL

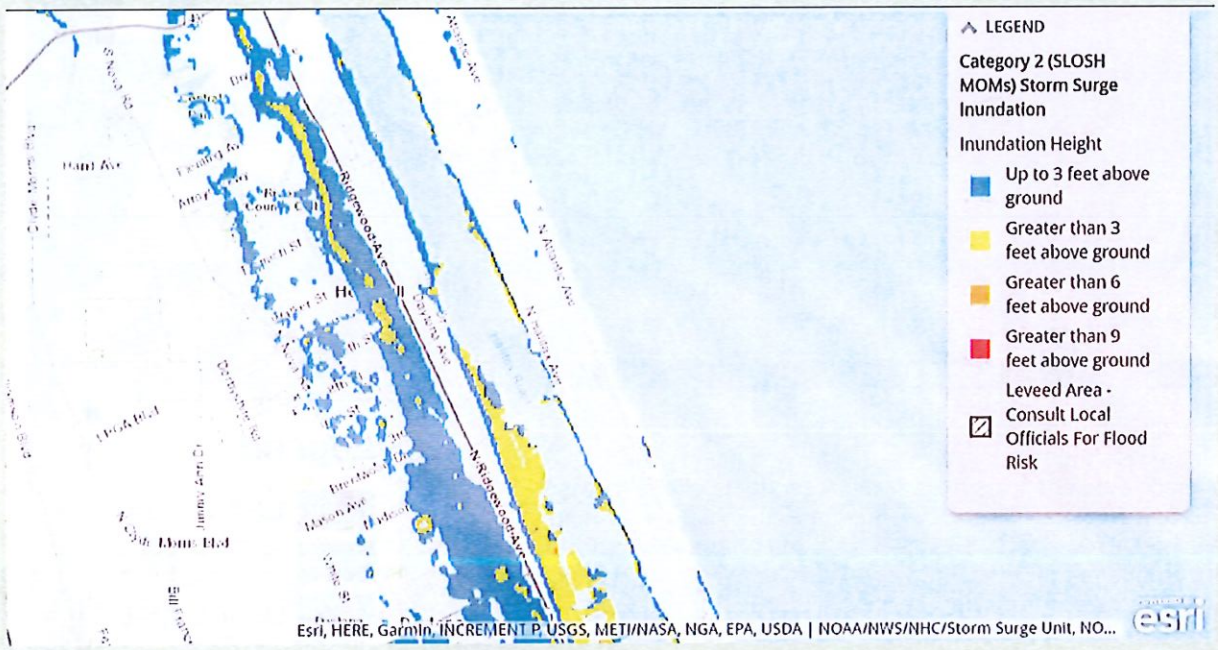
NATIONAL WEATHER SERVICE - SLOSH MODEL

Storm Surge Inundation from Category 1 through Category 5 Storm

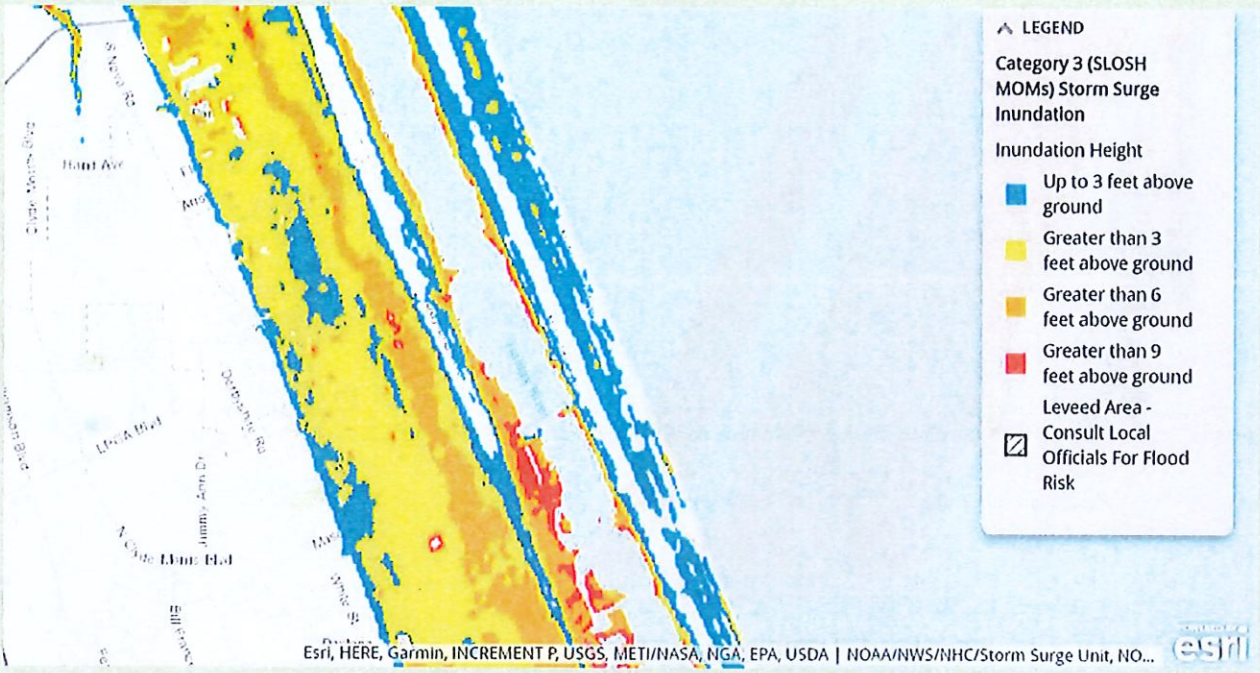
Category 1



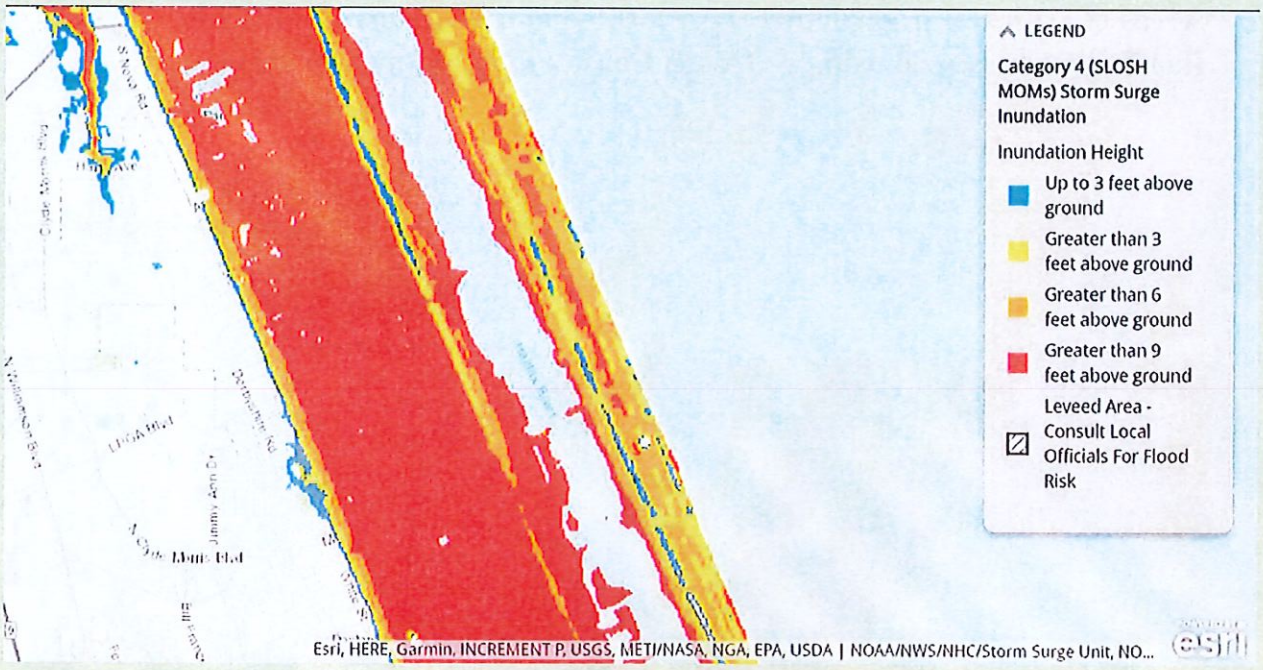
Category 2



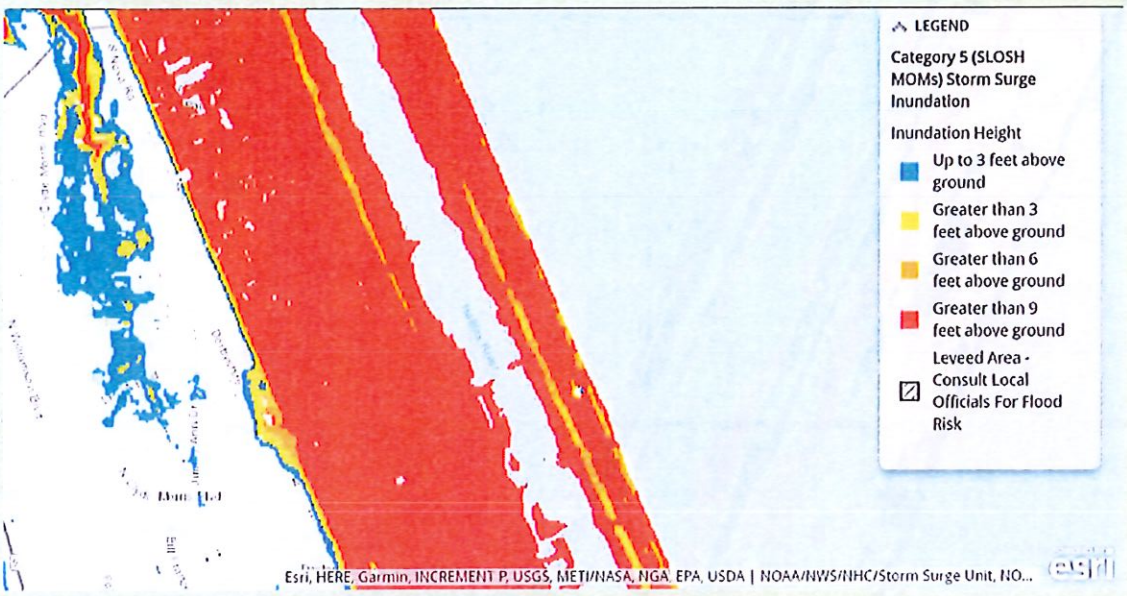
Category 3



Category 4



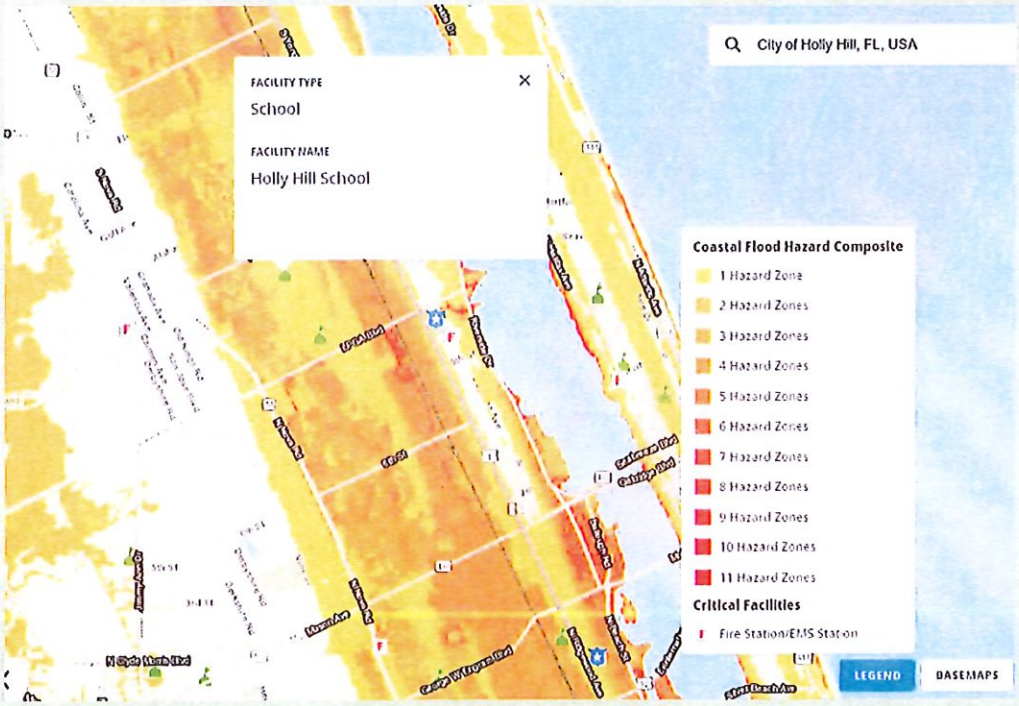
Category 5

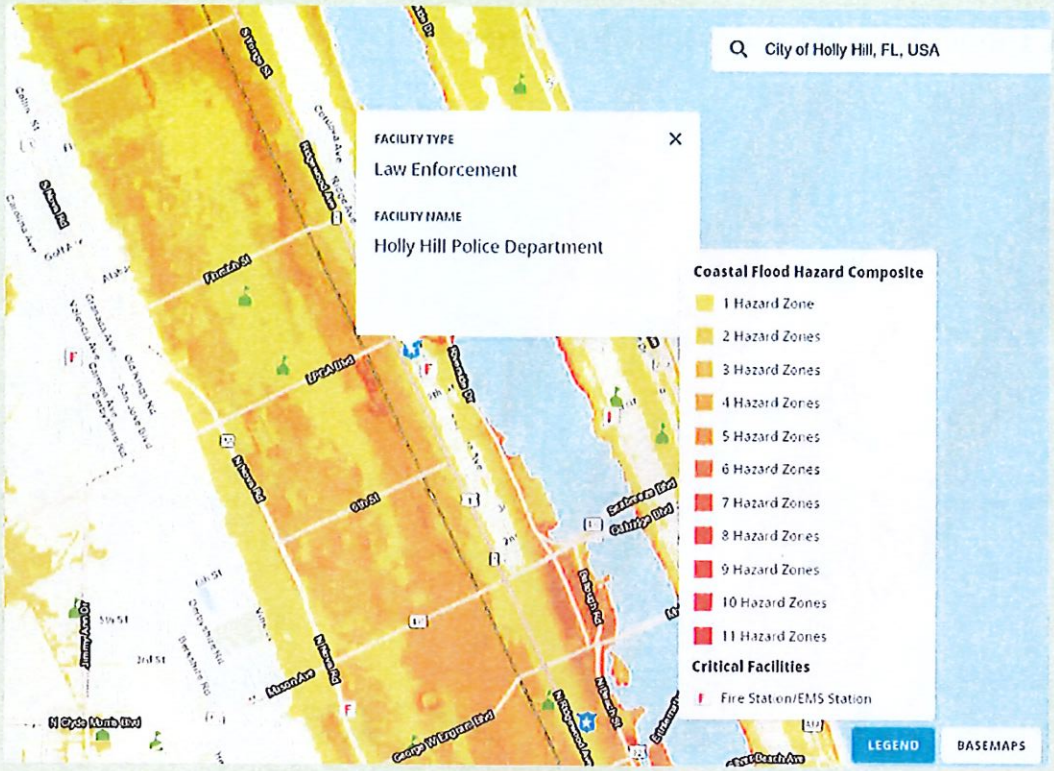


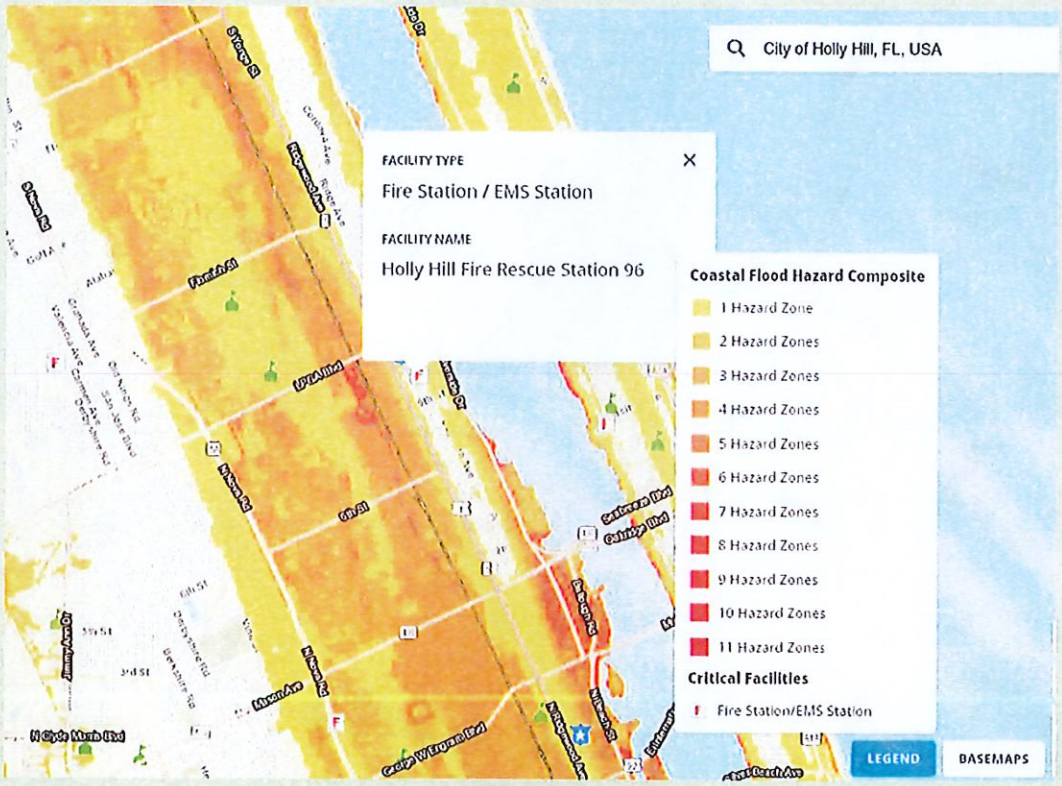
NOAA'S Coastal Flood Exposure Mapper.

Coastal Flood Areas Composite with Critical Infrastructure

Areas of critical infrastructure were located and their susceptibility to flooding was assessed using NOAA'S Coastal Flood Exposure Mapper.



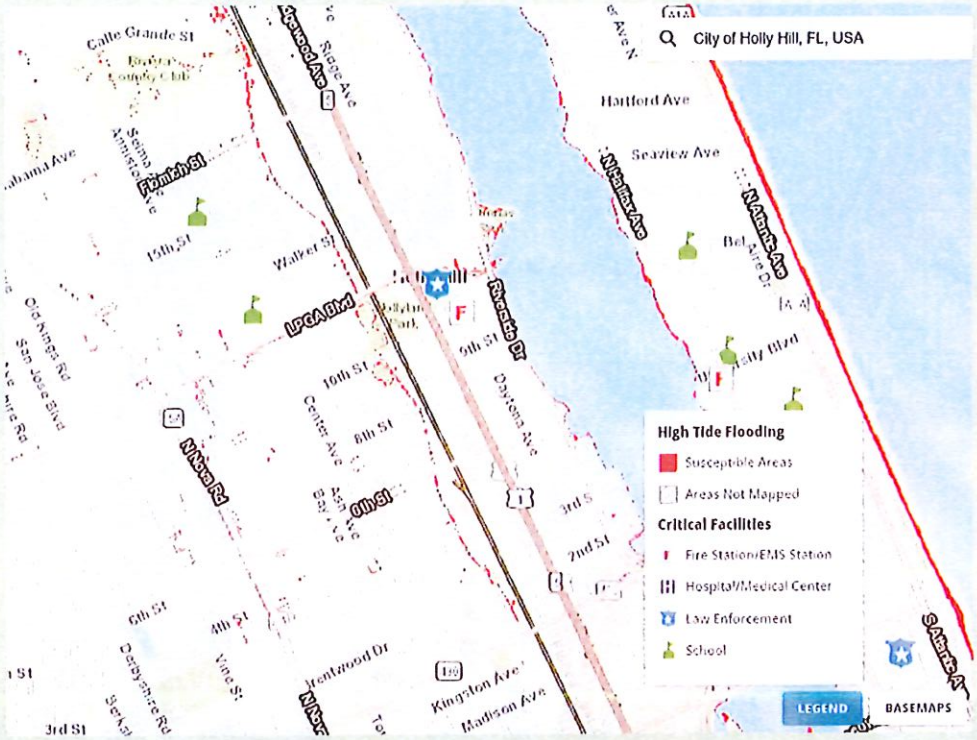

City of Holly Hill, FL, USA
FACILITY TYPE
Law Enforcement
FACILITY NAME
Holly Hill Police Department
Coastal Flood Hazard Composite
1 Hazard Zone
2 Hazard Zones
3 Hazard Zones
4 Hazard Zones
5 Hazard Zones
6 Hazard Zones
7 Hazard Zones
8 Hazard Zones
9 Hazard Zones
10 Hazard Zones
11 Hazard Zones
Critical Facilities
Fire Station/EMS Station
LEGEND
BASEMAPS


City of Holly Hill, FL, USA
FACILITY TYPE
Fire Station / EMS Station
FACILITY NAME
Holly Hill Fire Rescue Station 96
Coastal Flood Hazard Composite
1 Hazard Zone
2 Hazard Zones
3 Hazard Zones
4 Hazard Zones
5 Hazard Zones
6 Hazard Zones
7 Hazard Zones
8 Hazard Zones
9 Hazard Zones
10 Hazard Zones
11 Hazard Zones
Critical Facilities
Fire Station/EMS Station
LEGEND
BASEMAPS

FEMA Flood Map with Critical Facilities



High Tide Flooding – canals and coast are most susceptible



CAPITAL IMPROVEMENTS ELEMENT



CAPITAL IMPROVEMENTS ELEMENT

TABLE 1: FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

Physical Environment	Funding Source	Funded/ Unfunded	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30	5 Year Estimated Cost	
Utilities - Water									
Distribution: Galvanized Pipe Replacement	Utilities/Wtr	Unfunded	$600,000.00	$600,000.00	$600,000.00	$600,000.00	$600,000.00	$3,000,000.00	
Fire Hydrant Replacement Project	Utilities/Wtr	Unfunded	$40,000.00	$45,000.00	$45,000.00	$45,000.00	$45,000.00	$220,000.00	
16" Softener Valve Replacement	Utilities/Wtr	Unfunded	$16,000.00	$0.00	$0.00	$0.00	$0.00	$16,000.00	
Slaker Rehabilitation	Utilities/Wtr	Unfunded	$15,000.00	$0.00	$0.00	$0.00	$0.00	$15,000.00	
(7) Well Check Valves Provided & Installed	Utilities/Wtr	Unfunded	$38,000.00	$0.00	$0.00	$0.00	$0.00	$38,000.00	
(4) Local Well Cleaning & Painting Project	Utilities/Wtr	Unfunded	$18,000.00		$0.00	$0.00	$0.00	$18,000.00	
Well Refurbishment Project	Utilities/Wtr	Unfunded	$0.00	$85,000.00	$0.00	$85,000.00	$0.00	$170,000.00	
Water Mixing & Aeration Improvements	Utilities/Wtr	Unfunded	$0.00	$100,000.00	$0.00	$0.00	$0.00	$100,000.00	
Skid Steer w/ attachments	Utilities/Wtr	Unfunded	$0.00	$70,000.00	$0.00	$0.00	$0.00	$70,000.00	
Tank 5-Year Compliance	Utilities/Wtr	Unfunded	$0.00	$0.00	$10,000.00	$0.00	$0.00	$10,000.00	
Ford Transit Van	Utilities/Wtr	Unfunded	$0.00	$0.00	$60,000.00	$0.00	$0.00	$60,000.00	
Ford Transit Van	Utilities/Wtr	Unfunded	$0.00	$0.00	$60,000.00	$0.00	$0.00	$60,000.00	
Utilities - Water Subtotal			**$727,000.00**	**$900,000.00**	**$775,000.00**	**$730,000.00**	**$645,000.00**	**$3,777,000.00**	
Utilities - Wastewater									
Lift Station Pump Replacements	Utilities/Wwtr	Unfunded	$80,000.00	$80,000.00	$80,000.00	$80,000.00	$80,000.00	$400,000.00	
Resurface/Seal Manhole Walls	Utilities/Wwtr	Unfunded	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$750,000.00	
Sewer Lining	Utilities/Wwtr	Unfunded	$50,000.00	$100,000.00	$100,000.00	$250,000.00	$250,000.00	$750,000.00	
Force Main Trunking	Utilities/Wwtr	Unfunded	$600,000.00	$80,000.00	$400,000.00	$0.00	$0.00	$1,080,000.00	
Replacement Blower	Utilities/Wwtr	Unfunded	$85,000.00	$0.00	$0.00	$0.00	$0.00	$85,000.00	
BTU Grit Removal	Utilities/Wwtr	Unfunded	$160,000.00	$0.00	$0.00	$0.00	$160,000.00	$320,000.00	
Lift Station #21 Refurbishment	Utilities/Wwtr	Unfunded	$50,000.00	$450,000.00	$0.00	$0.00	$0.00	$500,000.00	
Equalization Pumps	Utilities/Wwtr	Unfunded	$30,000.00	$30,000.00	$30,000.00	$0.00	$0.00	$90,000.00	
SB 64 Compliance	Utilities/Wwtr	Unfunded	$470,000.00	$250,000.00	$200,000.00	$250,000.00	$200,000.00	$1,370,000.00	
500 Gallon Gas Tank	Utilities/Wwtr	Unfunded	$7,000.00	$0.00	$0.00	$0.00	$0.00	$7,000.00	
Generator Switch Gear Rehab	Utilities/Wwtr	Unfunded	$0.00	$80,000.00	$0.00	$0.00	$0.00	$80,000.00	
Solids Handling Building - Re-roof	Utilities/Wwtr	Unfunded	$0.00	$80,000.00	$0.00	$0.00	$0.00	$80,000.00	
Wastewater Tower - Re-roof	Utilities/Wwtr	Unfunded	$0.00	$20,000.00	$0.00	$0.00	$0.00	$20,000.00	
Control Panels Solids Handling	Utilities/Wwtr	Unfunded	$0.00	$0.00	$150,000.00	$0.00	$0.00	$150,000.00	
Utilities - Wastewater Subtotal			**$1,682,000.00**	**$1,320,000.00**	**$1,110,000.00**	**$730,000.00**	**$840,000.00**	**$5,682,000.00**	
Utilities - Stormwater									
Pipe Lining - Stormwater Pipes	Stormwtr/Cap	Unfunded	$200,000.00	$200,000.00	$200,000.00	$200,000.00	$200,000.00	$1,000,000.00	
CDBG-DR Lining of Stormwater Pipes	Stormwtr/Cap	Unfunded	$1,020,294.74	$255,073.69	$0.00	$0.00	$0.00	$1,275,368.43	Total Cost $4,000,000;25% match
CDBG-DR Stormwater Master Plan	Stormwtr/Cap	Unfunded	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	Total Cost $190,000 Grant Funded
Pipe Maintenance Trailer	Stormwtr/Cap	Unfunded	$38,000.00	$0.00	$0.00	$0.00	$0.00	$38,000.00	
PW Storage Building Rehabilitation	Stormwtr/Cap	Unfunded	$60,000.00	$0.00	$0.00	$0.00	$0.00	$60,000.00	
Replace Dump Truck	Stormwtr/Cap	Unfunded	$120,000.00	$0.00	$0.00	$0.00	$0.00	$120,000.00	
Replace Ford F-150 Pickup	Stormwtr/Cap	Unfunded	$0.00	$0.00	$0.00	$42,000.00	$0.00	$42,000.00	
Replace Ford F-350 Mini Dump	Stormwtr/Cap	Unfunded	$0.00	$0.00	$0.00	$0.00	$85,000.00	$85,000.00	
Utilities - Stormwater Subtotal			**$1,438,294.74**	**$455,073.69**	**$200,000.00**	**$242,000.00**	**$285,000.00**	**$2,620,368.43**	
Total Physical Environment			**$3,847,294.74**	**$2,675,073.69**	**$2,085,000.00**	**$1,702,000.00**	**$1,770,000.00**	**$12,079,368.43**	

Transportation	Funding Source	Funded/ Unfunded	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30	5 Year Estimated Cost
Paving Program	Gas Tax	Unfunded	$285,000.00	$285,000.00	$285,000.00	$285,000.00	$285,000.00	$1,425,000.00
Sidewalk Replacement Program	Gas Tax	Unfunded	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$250,000.00
Replacement Ford F-150 Pickup	General	Unfunded	$55,000.00	$0.00	$0.00	$0.00	$0.00	$55,000.00
Replacement Mower #188	General	Unfunded	$14,000.00	$0.00	$0.00	$0.00	$0.00	$14,000.00
Replacement Mower #775	General	Unfunded	$0.00	$19,000.00	$0.00	$0.00	$0.00	$19,000.00
Total Transportation			**$404,000.00**	**$354,000.00**	**$335,000.00**	**$335,000.00**	**$335,000.00**	**$1,763,000.00**
Total Capital Improvements			**$4,251,294.74**	**$3,029,073.69**	**$2,420,000.00**	**$2,037,000.00**	**$2,105,000.00**	**$13,842,368.43**

Volusia County Schools
2024-2028 Capital Five-Year Fiscal Forecast (Summary)
Capital Projects Funds - Consolidated

	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
Sources - revenues					
State sources:					
CO&DS distributed	$ 2,250,000	$ 2,250,000	$ 2,250,000	$ 2,250,000	$ 2,250,000
Interest on undistributed CO & DS	16,500	16,500	16,500	16,500	16,500
Total state sources	2,266,500	2,266,500	2,266,500	2,266,500	2,266,500
Local sources:					
Ad valorem property taxes	91,362,991	94,926,240	100,589,760	106,090,560	111,264,480
Local Sales tax	66,547,292	67,472,722	68,411,022	69,362,370	70,326,948
Investment income	2,100,000	1,580,000	1,370,000	1,160,000	950,000
Impact fees	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Total local sources	170,010,283	173,978,962	180,370,782	186,612,930	192,541,428
Total sources	**172,276,783**	**176,245,462**	**182,637,282**	**188,879,430**	**194,807,928**
Uses - expenditures					
Categories					
New Construction	46,200,000	17,608,556	39,950,000	45,400,000	51,000,000
Projects at Existing Schools and Facilities	41,886,083	62,727,074	21,501,466	10,717,598	9,588,512
Facilities Management	11,800,000	9,300,000	9,800,000	14,800,000	14,800,000
Technology	3,537,008	8,286,936	9,000,000	9,000,000	9,000,000
System Wide Equipment and Vehicles	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000
Buses	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Charter School Disbursements	690,689	1,441,254	2,329,836	3,323,530	4,409,688
Total categories	**108,813,780**	**104,063,819**	**87,281,302**	**87,941,128**	**93,498,200**
oll Forward					
rior Year Carryover Encumbrances	124,810,791	-	-	-	-
Prior Year Carryover Appropriations	101,220,862	-	-	-	-
Total roll forward	**226,031,653**	**-**	**-**	**-**	**-**
Total uses	**334,845,434**	**104,063,819**	**87,281,302**	**87,941,128**	**93,498,200**
Excess (deficiency) of revenues over expenditures	(162,568,651)	72,181,643	95,355,980	100,938,302	101,309,727
Other financing uses					
Transfers - General Fund	(28,184,069)	(22,717,701)	(22,293,868)	(22,588,884)	(22,889,800)
Transfers - Debt Service Funds	(48,953,625)	(36,057,388)	(36,053,663)	(36,059,450)	(36,063,863)
Total other financing uses	**(77,137,694)**	**(58,775,089)**	**(58,347,531)**	**(58,648,334)**	**(58,953,663)**
Net change in fund balances	(239,706,345)	13,406,554	37,008,449	42,289,968	42,356,065
Fund balances					
Beginning Balance	277,075,248	37,368,903	50,775,457	87,783,906	130,073,874
Ending Balance	**$ 37,368,903**	**$ 50,775,457**	**$ 87,783,906**	**$ 130,073,874**	**$ 172,429,939**

Volusia County Schools
2024-2028 Capital Five-Year Work Program Forecast (Detail)
Capital Projects Funds - Consolidated

	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
Sources - revenues					
State sources:					
CO&DS distributed	$ 2,250,000	$ 2,250,000	$ 2,250,000	$ 2,250,000	$ 2,250,000
Interest on undistributed CO & DS	16,500	16,500	16,500	16,500	16,500
Total state sources	2,266,500	2,266,500	2,266,500	2,266,500	2,266,500
Local sources:					
Ad valorem property taxes	91,362,991	94,926,240	100,589,760	106,090,560	111,264,480
Local Sales tax	66,547,292	67,472,722	68,411,022	69,362,370	70,326,948
Investment income	2,100,000	1,580,000	1,370,000	1,160,000	950,000
Impact fees	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Total local sources	170,010,283	173,978,962	180,370,782	186,612,930	192,541,428
Total sources	**172,276,783**	**176,245,462**	**182,637,282**	**188,879,430**	**194,807,928**
Uses - expenditures					
New Construction					
Creekside Mid - Classroom Addition	-	-	-	-	750,000
Deltona HS - Classroom Addition	-	2,000,000	15,000,000	-	-
Enterprise Elm - Master Plan	4,000,000	-	-	2,000,000	36,000,000
McInnis Elm - Renovations and Administration Addition	-	650,000	6,500,000	500,000	-
New Smyrna Beach Mid - Classroom Addition	-	-	-	-	1,500,000
Orange City Elm - Renovations and Additions	21,200,000	-	-	-	-
Ormond Beach Elm - Renovations	-	-	-	-	500,000
Pine Ridge HS - Classroom Addition	-	-	-	-	1,000,000
Port Orange Elm - Renovations	-	750,000	8,500,000	-	-
Read-Patillo Elm - Remodeling	-	-	750,000	8,500,000	-
Silver Sands Mid - Classroom Addition and Remodeling	-	-	1,500,000	12,000,000	750,000
Spruce Creek HS - Classroom Addition and Auditorium Ren	-	-	5,000,000	1,200,000	-
Spruce Creek Elm - Campuswide HVAC and Lighting	-	-	1,200,000	15,500,000	-
Spruce Creek HS - Master Plan	-	-	-	-	3,000,000
Starke Elm - Renovations and Additions	19,000,000	1,750,000	-	-	-
Timbercrest Elm - Classroom Addition	-	-	-	700,000	7,000,000
Tomoka Elm - Master Plan	2,000,000	-	-	-	-
Transportation - Warehouse DeLand - Warehouse Additio	-	8,000,000	-	-	-
Turie T. Small Elm - Joint Venture	-	-	1,500,000	5,000,000	500,000
Woodward Elm - Renovation Finishes and Infrastructure B	-	4,458,556	-	-	-
Total New Construction	46,200,000	17,608,556	39,950,000	45,400,000	51,000,000
Projects at Existing Schools and Facilities					
All High Schools - Athletic Facility Leases	180,000	180,000	180,000	180,000	180,000
Atlantic HS - Repair Exterior Doors	-	306,000	-	-	-
Brewster Center - Interior Renovations	-	-	3,000,000	-	-
Brewster Center - Repair Wood Floor Joists	-	117,600	-	-	-
Brewster Center - Replace Emergency Generator	-	601,200	-	-	-
Brewster Center - Upgrade Main Electrical Distribution	-	-	2,000,000	-	-
Campbell Mid - Replace Emergency Generator	-	597,600	-	-	-
Campbell Mid - Upgrade HVAC Bldgs. 1 and 2	-	-	-	1,129,086	-
Campbell Mid - Upgrade HVAC Bldgs. 5 and 9	-	-	1,817,016	-	-
Campbell Mid - Upgrade HVAC Bldgs. 8 and 10	-	518,906	-	-	-
Coronado Beach Elem - Install New Lighting at Parking Lot	283,200	-	-	-	-
Debary Elem - New Marquee	216,000	-	-	-	-
Debary Elm - Upgrade HVAC, Ceiling and Lighting Bldgs. 1 a	-	3,777,362	-	-	-
DeLand Warehouse - Lease	231,186	231,186	231,186	231,186	231,186
Deltona HS - Foundation Repairs Bldgs. 12	2,500,000	-	-	-	-
DeLand HS - Upgrade HVAC Bldgs. 14 and 15	3,022,390	-	-	-	-

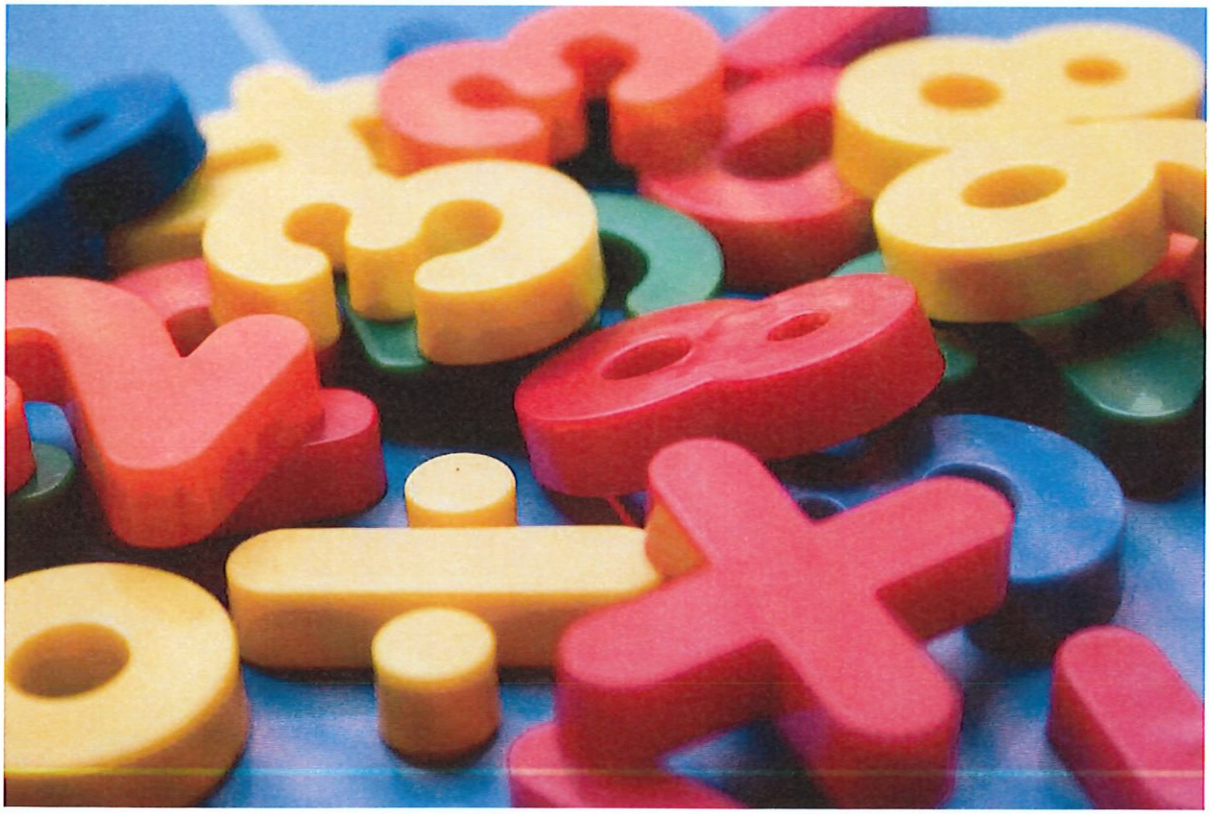
Volusia County Schools
2024-2028 Capital Five-Year Work Program Forecast (Detail)
Capital Projects Funds - Consolidated

	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
Deltona Lakes Elm - Upgrade HVAC, Ceiling and Lighting Bl	2,795,436	-	-	-	-
Deltona Mid - Upgrade Door Hardware and Signage Bldgs.	135,600	-	-	-	-
Deltona HS - Rebuild Chillers, Cooling Tower and Piping	-	2,700,000	-	-	-
DeLand Mid - School Envelope Improvement	-	3,900,000	-	-	-
DeLand Mid - Upgrade Door Hardware	-	752,400	-	-	-
Deltona Transportation - Site Improvements	-	2,000,000	-	-	-
Deltona HS - Foundation Repairs Bldgs. 2	-	3,000,000	-	-	-
Discovery Elm - Upgrade Fire Alarm and Intrusion Monitor	105,000	-	-	-	-
Edgewater Elm - Upgrade Fire Alarm and Intrusion Monito	105,000	-	-	-	-
Edgewater Elm - Upgrade Parking Lot and bus Loop Lightin	-	402,000	-	-	-
Forest Lake Elm - Replace OAU Bldgs. 6 and 7	1,942,864	-	-	-	-
Freedom Elm - Replace Small Chiller Bldg. 7	308,000	-	-	-	-
Friendship Elm - Upgrade HVAC Bldgs. 1 and 2	-	3,368,400	-	-	-
Heritage Mid - Replace Roof Campus Wide	-	3,750,000	-	-	-
Heritage Mid - Replace Fire Alarm	1,287,000	-	-	-	-
Heritage Mid - Upgrade HVAC, Ceiling and Lighting Bldg. 2	-	3,500,000	-	-	-
Heritage Mid – Reclaimed Water Connection	250,000	-	-	-	-
Herbert Street Center - Upgrade HVAC	-	1,969,859	-	-	-
Heritage Mid - New Marquee	-	216,000	-	-	-
Hinson Mid - Upgrade HVAC and Lighting Bldg. 7	-	1,800,000	-	-	-
Hinson Mid - Upgrade HVAC, Ceiling and Lighting Bldgs. 3 a	-	2,689,618	-	-	-
Horizon Elm - Replace Small Chiller Bldg. 11	-	345,000	-	-	-
Indian River Elm - Renovate Media Center	350,000	-	-	-	-
Indian River Elm - New Marquee	180,000	-	-	-	-
dian River Elm - Upgrade HVAC , Ceiling and Lighting Bld	-	3,115,348	-	-	-
ainland HS - Upgrade Chiller Plant	1,700,000	-	-	-	-
Mainland HS - Upgrade Site Lighting	-	900,000	-	-	-
McInnis Elementary - Potable Water and Sanitary Sewer	300,000	100,000	350,000	100,000	100,000
New Smyrna Beach HS - Upgrade BAS Bldgs. 1-4 and Pump	-	1,570,127	-	-	-
New Smyrna Beach Mid - Replace Millwork Campus Wide	-	1,479,604	-	-	-
Parking Lot Lease - City of DeLand	27,326	27,326	27,326	27,326	27,326
Pathways Elm - Upgrade Parking Lot Poles and Lighting	-	258,000	-	-	-
Pine Ridge HS - Upgrade HVAC, Ceiling and Lighting Bldg. 6	2,648,064	-	-	-	-
Pine Ridge HS – Reclaimed Water Connection	250,000	-	-	-	-
Pine Ridge HS - Replace Intercom	-	834,000	-	-	-
Portables - Moves and Compliance	400,000	400,000	400,000	400,000	400,000
Port Orange Elm - Parking Area	250,000	-	-	-	-
River Springs Mid - New Chiller Plant	-	-	3,500,000	-	-
River Springs Mid - Replace Gutters and Downspouts	-	600,000	-	-	-
RJ Longstreet Elm - Upgrade Fire Alarm and Intrusion Mon	105,000	-	-	-	-
Seabreeze HS - Replace Tile Roof and Coat Flat Roof Bldg. :	956,393	-	-	-	-
Seabreeze HS Upgrade HVAC Bldg. 1 and Tower	3,643,686	-	-	-	-
Seabreeze HS - New Marquee	-	216,000	-	-	-
Silver Sands Mid - Replace Gymnasium Bleachers	-	-	400,000	-	-
Spirit Elm - Upgrade HVAC Bldgs. 4	2,500,000	-	-	-	-
Spruce Creek HS - Replace 7 AC Roof Top Units	2,100,000	-	-	-	-
Spruce Creek HS – Renovate Culinary Lab	400,000	-	-	-	-
Sunrise Elm - Upgrade HVAC, Ceiling and Lighting Bldgs. 2	-	2,805,600	-	-	-
T. Dewitt Taylor Mid-HS - Upgrade Fire Alarm and Intrusio	105,000	-	-	-	-
Transportation Warehouse - DeLand - Replace Emergency	849,600	-	-	-	-
University HS - Seal Abandoned Wells	447,600	-	-	-	-
University HS - New Marquee	-	102,000	-	-	-
Various - Security	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
rious - Infrastructure for Technology	250,000	250,000	250,000	250,000	250,000
arious - Minor Projects	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Various Schools - High School Athletics	2,015,800	1,000,000	1,000,000	1,000,000	1,000,000

Volusia County Schools
2024-2028 Capital Five-Year Work Program Forecast (Detail)
Capital Projects Funds - Consolidated

	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
Various Schools - BDA	945,938	945,938	945,938	-	-
Various Schools - Playgrounds	1,000,000	1,000,000	300,000	300,000	300,000
Various Schools - Leased Portables	100,000	100,000	100,000	100,000	100,000
Various - Parking Lot Improvements	-	3,300,000	-	-	-
Total Projects at Existing Schools and Facilities	41,886,083	62,727,074	21,501,466	10,717,598	9,588,512
Facilities Management					
Contingency	7,000,000	6,500,000	7,000,000	12,000,000	12,000,000
Contingency - Operations	2,000,000	-	-	-	-
Facilities Management	2,800,000	2,800,000	2,800,000	2,800,000	2,800,000
Total Facilities Management	11,800,000	9,300,000	9,800,000	14,800,000	14,800,000
					-
Technology					
ERP Software - Enterprise Resource Planning	1,000,000	-	-	-	-
Various Schools & Depts - District Wide Technology Equipr	2,537,008	8,286,936	9,000,000	9,000,000	9,000,000
Total Technology	3,537,008	8,286,936	9,000,000	9,000,000	9,000,000
System Wide Equipment and Vehicles					
Furn, Fix, Equip, Veh	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
White Fleet	500,000	500,000	500,000	500,000	500,000
Total System Wide Equipment and Vehicles	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000
Buses					
Bus and Safety	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Total Buses	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Charter School Disbursements					
Charter School Capital Outlay LCIF Disbursements	690,689	1,441,254	2,329,836	3,323,530	4,409,688
Total Charter School Disbursements	690,689	1,441,254	2,329,836	3,323,530	4,409,688
Total categories	**108,813,780**	**104,063,819**	**87,281,302**	**87,941,128**	**93,498,200**
Roll Forward					
Prior Year Carryover Encumbrances	124,810,791	-	-	-	-
Prior Year Carryover Appropriations	101,220,862	-	-	-	-
Total roll forward	**226,031,653**	**-**	**-**	**-**	**-**
Total uses	**334,845,434**	**104,063,819**	**87,281,302**	**87,941,128**	**93,498,200**
Excess (deficiency) of revenues over expenditures	(162,568,651)	72,181,643	95,355,980	100,938,302	101,309,727
Other financing uses					
Transfers - General Fund	(28,184,069)	(22,717,701)	(22,293,868)	(22,588,884)	(22,889,800)
Transfers - Debt Service Funds	(48,953,625)	(36,057,388)	(36,053,663)	(36,059,450)	(36,063,863)
Total other financing uses	**(77,137,694)**	**(58,775,089)**	**(58,347,531)**	**(58,648,334)**	**(58,953,663)**
Net change in fund balances	(239,706,345)	13,406,554	37,008,449	42,289,968	42,356,065
Fund balances					
Beginning Balance	277,075,248	37,368,903	50,775,457	87,783,906	130,073,874
Ending Balance	**$ 37,368,903**	**$ 50,775,457**	**$ 87,783,906**	**$ 130,073,874**	**$ 172,429,939**

PUBLIC SCHOOLS FACILITIES ELEMENT



Elementary School Concurrency Service Areas

Halifax
- Champion Elem
- Cypress Creek Elem
- Holly Hill School
- Horizon Elem
- Longstreet Elem
- Ormond Beach Elem
- Ortona Elem
- Osceola Elem
- Palm Terrace Elem
- Pathways Elem
- Pine Trail Elem
- Port Orange Elem
- South Daytona Elem
- Spruce Creek Elem
- Sugar Mill Elem
- Sweetwater Elem
- Tomoka Elem
- Turie T Small Elem
- Westside Elem

West
- Blue Lake Elem
- Citrus Grove Elem
- Debary Elem
- Freedom Elem
- George W. Marks Elem
- Manatee Cove Elem
- Orange City Elem
- Starke, Edith I Elem
- Volusia Pines Elem
- Woodward Avenue Elem

Southwest
- Deltona Lakes Elem
- Discovery Elem
- Enterprise Elem
- Forest Lakes Elem
- Friendship Elem
- Osteen Elem
- Pride Elem
- Spirit Elem
- Sunrise Elem
- Timbercrest Elem

Southeast
- Chisholm Elem
- Coronado Beach Elem
- Edgewater Public
- Indian River Elem
- Read-Pattillo Elem

Northwest
- McInnis Elem
- Pierson Elem

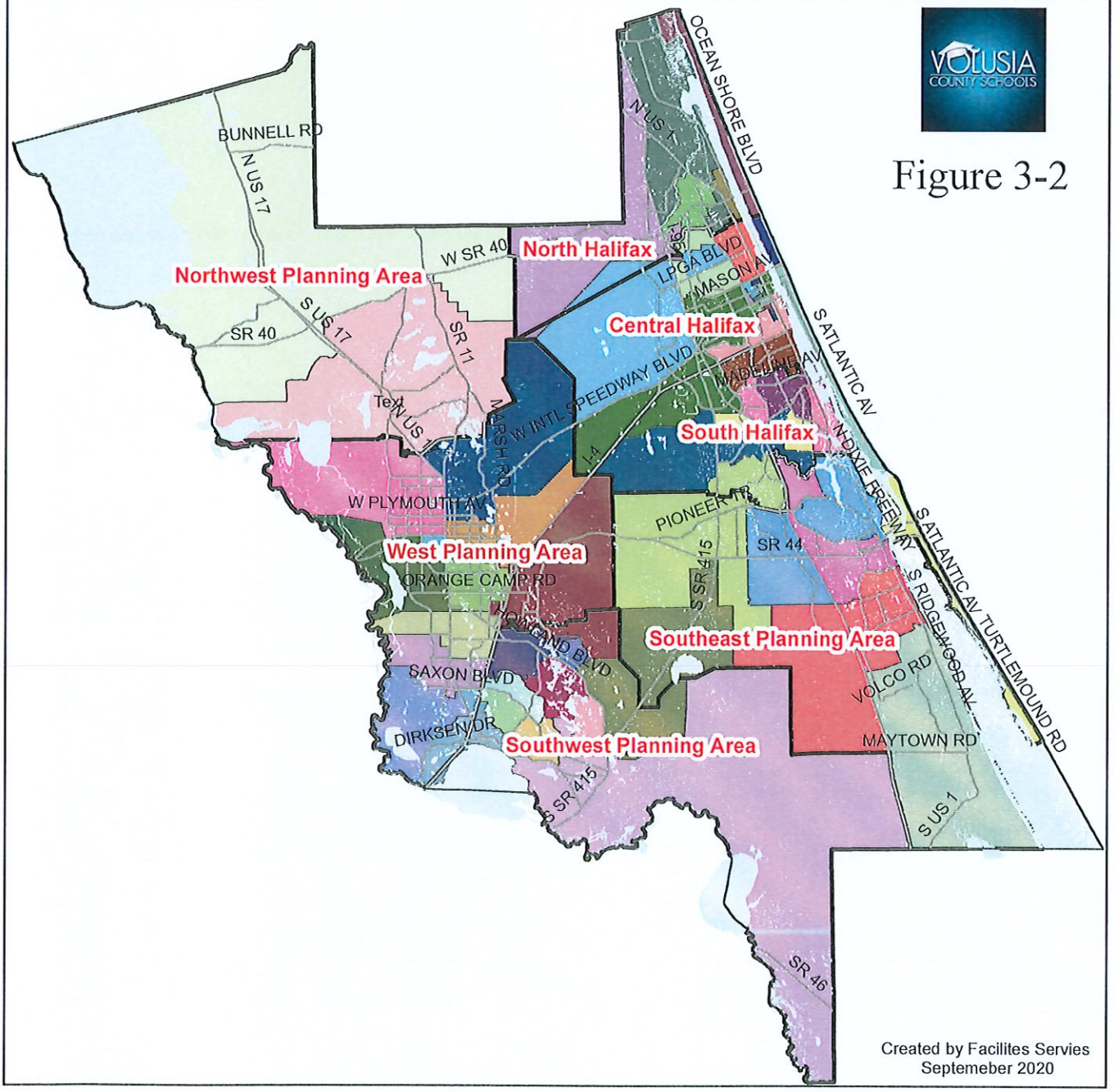


Figure 3-2

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