

Element ~~8VIII~~ - CAPITAL IMPROVEMENTS ELEMENT AND CONCURRENCY MANAGEMENT SYSTEM  
;adv05;Goals, Objectives, and  
Policies ;adv05;City of Stuart, Florida ;adv05;Adopted October

14, 2002 GOAL STATEMENT 8.A

Coordinate the provision of adequate public facilities with existing and future land uses in order to:

- Promote a desirable pattern of development.
- Discourage urban sprawl.
- Maximize use of existing facilities.
- Protect investment in existing facilities.
- Provide a degree of certainty to the land development process.
- Support the other elements of the Comprehensive Plan.

Maintain and enhance Stuart's quality of life, natural beauty and small-town waterfront character, its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County.

Objective 8.A1. - [Identification and ranking of capital facility needs.]

The Capital Improvements Element shall constitute the City's general plan to provide or require provision of capital facility needs identified in the other plan elements, including:

- Existing deficiencies.
- Future needs resulting from previously issued development orders and desired future development.
- Replacement of obsolete and worn-out facilities.

The adopted five-year schedule of capital improvements includes the specific capital facility improvements provided by the City.

The following policies support this objective:

*Policy*  
8.A1.1. The City shall include all projects identified in the other elements of this Plan and determined to be of large scale and high cost (\$25,000.00 or greater), as capital improvement projects for inclusion within the five-year schedule of improvements of this element.

*Policy*  
8.A1.2. Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines:

- a. Whether the project is needed to protect public health, welfare and safety; to fulfill the City's legal commitment to provide facilities and services; or to preserve or achieve full use of existing facilities;
- b. Whether the project increases efficiency of use of existing facilities; prevents or reduces future improvement cost; provides service to developed areas lacking full service to eliminate existing deficits; serves public schools; or promotes in-fill development and redevelopment;
- c. Whether the project represents a logical extension of facilities and services within a designated

urban service area;

- d. Local budget impact; financial feasibility, accommodation of new development; or plans of State agencies and the South Florida Water Management District that may provide public facilities within Stuart; and
- e. Locational needs based on projected growth patterns.
- f. Increase energy efficiency by shifting to renewable fuel sources in buildings and vehicles.
- g. Consider more efficient vehicles, reduce vehicles miles traveled, and switch to low carbon fuels when evaluating vehicles for City purchase.

*Policy 8.A1.3.* The City shall promote traffic-calming measures on local, residential streets.

*Policy 8.A1.4.* To maintain the City's small town character, the City shall limit the width of roadway corridors throughout the City to no more than six through lanes.

*Policy 8.A1.5.* The City shall continue to maintain and update its citywide master sewer plan and shall continue to prioritize the expansion of City's sewer system into developed areas, particular those closest to St. Lucie River and its tributaries. The City shall provide education on the benefits of septic to sewer conversion to encourage voluntary participation in the City's septic to sewer program.

*Policy 8.A1.7.* The City shall continue to monitor the condition of existing sidewalks and bike paths. The need for extensions of these paths shall be considered as part of the City's annual Capital Improvement Program (CIP).

*Policy 8.A1.8.* The City shall continue implementing its sewer connection ordinance and citywide sewer plan through application of its CIP, which shall include the identification of vulnerable areas for sewer conversion and the development of long-term funding assistance once infrastructure is available in that area.

*Policy 8.A1.9.* The City shall ensure that adequate facility capacity is available to serve development for which final development orders were issued by the City prior to the adoption of the Comprehensive Plan.

*Policy 8.A1.10.* The City shall monitor the general condition and expected life of public facilities and plan for their timely replacement and renewal.

*Policy 8.A1.11.* The estimated date of commencement of actual construction and the estimated date of project completion shall be included in the five-year schedule of capital improvements.

(Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

Objective 8.A2. - [Funding of capital improvements.]

The capital facility needs included in the five-year schedule of capital improvements shall be adequately funded and the schedule shall be financially feasible. Facilities required to achieve and maintain the adopted level of service standards that are not provided by the City will be provided by other service providers, including other governmental entities, or shall be required to be provided by the developer. Future development will bear a proportionate cost of facility improvements necessitated by the development in order to maintain the adopted level of service (LOS) standards.

The following policies support this objective:

*Policy 8.A2.1.* The City will continue to utilize impact fees to fund capital improvements to ensure that new development bears its proportionate cost of facility improvements. Within the CRA and where appropriate, the City or CRA may pay for impact fees for projects.

*Policy 8.A2.2.* The City shall continue to implement the interlocal agreement between Martin County and the City for the collection of impact fees.

*Policy 8.A2.3.* Future development shall pay for extension of necessary water and sewer lines to the property to be developed and/or expansion or improvements to the water, wastewater and drainage facilities. The City shall continue to implement its stormwater ordinance and stormwater plan, which encompass the CRA.

*Policy 8.A2.4.* The annual budget shall include in its capital appropriations all projects in the schedule of capital improvements that are planned for expenditure during the next fiscal year.

*Policy 8.A2.5.* As part of its budgeting process the City shall develop, adopt and annually update a five-year schedule of capital improvements, a primary purpose of which is to maintain the City's adopted Level-of-Service (LOS) standards. An amendment to the Comprehensive Plan is required to update the five-year schedule of capital improvements on an annual basis, or to eliminate, defer, or delay the construction of any facility in the schedule of improvements.

(Ord. No. 2176-08, § 1, 12-22-2008)

*Policy 8.A2.6.* Annually, the City will prepare an updated five-year schedule of capital improvements. This process shall include a review and analysis of the City's financial condition. More specifically, it will contain an updated projection of revenues which takes into account any changes in potential revenue sources that had been anticipated to fund scheduled improvements. In addition, it will incorporate any new capital improvements needs that had unexpectedly arisen. The analysis shall also include a discussion of any change in improvement prioritization, and provide a rationale for the change. The schedule of improvements must distinguish between meeting the needs identified as needed to work towards the elimination of existing deficiencies and those improvements that are required to provide facilities for new development.

*Policy 8.A2.7.* In providing capital improvements, the City shall limit the maximum ratio of outstanding indebtedness to no greater than 15 percent of the property tax base.

*Policy 8.A2.8.* The City shall designate those areas within which facilities and services will be provided with public funds in accordance with the five-year capital improvements schedule.

*Policy 8.A2.9.* The City will consider securing grants or private funds to help finance the provision of capital improvements.

*Policy 8.A2.10.* The City shall implement fund-raising mechanisms to pay for future infrastructure needs emphasizing non-ad valorem sources.

*Policy 8.A2.11.* The City shall continue to monitor the fiscal and operational feasibility of providing municipal services to other jurisdictions.

*Policy 8.A2.12.* The City shall conduct assessment of potential annexation areas to determine what capital facilities will be needed versus what revenue will be created.

*Policy 8.A2.13.* The City hereby incorporates by reference the Martin County School District's Five-Year Work Plan for FY 2010/11—2014/15, approved by the School Board on September 21, 2010, in the Public School Facilities Element. This document includes school capacity sufficient to meet anticipated student demands projected by the City and Martin County in consultation with the School Board's projections of student enrollment, based on the adopted level of service standards for public schools. The 5-Year Capital Improvements Plan ensures the level of service standards for public schools are achieved and maintained within the period covered by the 5-year schedule. All projects and plans contained in this Schedule of Capital Improvements related to the School District shall not impose design standards, site plans standards or other development conditions that exceed or are inconsistent with Ch. 1013 and State Requirements for Educational Facilities or that are inconsistent with maintaining a balanced, financially feasible district facilities work plan.

*Policy 8.A2.14.* As a matter of priority, the City shall annually incorporate alternative water supply projects identified in the first five years of the City's Ten-Year Water Supply Facilities Plan into the five-year schedule of capital improvements, with an emphasis on projects which reduce the City's dependence on Surficial Aquifer.

*Policy 8.A2.15.* For capital improvements to be funded by a developer, financial feasibility shall be demonstrated by an enforceable development agreement, and be reflected in the Five-year Schedule of Improvements.

*Policy 8.A2.16.* Financial feasibility means that sufficient revenues are currently available or will be available from committed funding sources for the first three, or will be available from committed or planned funding sources for years 4 and 5, of the Five-Year Schedule of Improvements. Committed sources of revenue shall include ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees and developer contributions which are adequate to fund the projected costs of the capital improvements identified in the Comprehensive Plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the five-year period.

*Policy 8.A2.17.* If the Five-Year Schedule of Improvements identifies a planned revenue source that requires a referendum or other action(s) to secure the source, the Comprehensive Plan shall identify an alternative existing revenue source(s) in the event that the required actions do not occur.

(Ord. No. 2158, § 1, 5-12-2008; Ord. No. 2166-08, § 1, 1-12-2009; Ord. No. 2176-08, § 1, 12-22-2008; Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010; Ord. No. 2218-2011, § 1, 1-10-2011)

Objective 8.[A]3. - [Level of service standards.]

Level of service standards will be achieved and maintained for five years by a capital improvements plan that addresses projected facility needs resulting from the land use plan and projected growth.

The following policies support this objective:

*Policy 8.A3.1.* The City shall adopt realistic and adequate level of service standards as specified below:

Facility	Level of Service Standard
Sanitary sewer facilities	80 gallons per capita per day for residential
	1,100 gpapd for non-residential

	115 gpcpd total	
Solid waste facilities	3.5 pounds per capita per day (residential)	
	0.007 pounds per square foot per day (non-residential)	
Drainage facilities	Retention of half of the runoff from a 25-year, 3-day duration storm event on parcels greater than 1 acre or 10-year 3-day duration storm event on parcels less than 1 acre	
Potable water	250 gallons per day per equivalent residential connection	
Recreation facilities	3 acres of developed community park per 1,000 permanent and seasonal residents	
Transportation facilities	LOS E at peak hour for arterials except,  (A) An interim standard of "maintain," is established for the following roadways. "Interim" means that the City intends this standard as a temporary standard that will be reconsidered during future plan amendments based on traffic projections, the 2025 MPO Plan, coordination with Martin County and other concurrency options. "Maintain" means that operating conditions will continue at a level such that significant degradation does not occur. "Significant degradation" means a peak-hour-directional traffic volume increase of ten percent above the current (year 2000) peak-hour-directional volume as established below:	
	Peak-Hour-Directional Traffic	
	Roadway Link	Existing                      Adopted
	SR 707 from Green River Parkway to south of Wright Boulevard	808                              890
	SR 714 from Palm City	2,594                            2,853
	Bridge to SR 76	

	<p>(B) Transportation level of service standards shall not be applied to any development occurring within the TCEA as depicted on the TCEA Boundary Map in order to promote redevelopment and revitalization of the area.</p> <p>(C) Transportation level of service standards for arterials within the TCEA Buffer Area as depicted on the TCEA Buffer Area Map shall allow an additional 30 percent increase in peak hour traffic over the adopted level of service standards otherwise set in this policy.</p>
Public Educational Facilities	<p><i>Public Educational Facilities.</i> The City, through its capital improvements element, shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level of service (LOS) standards. These standards shall be consistent with the Interlocal Agreement for School Facilities Planning and Siting agreed upon by the County, the School Board, and the City of Stuart. The City hereby adopts level of service standards as follows:</p> <p>I. Elementary School LOS</p> <p>100% of permanent FISH capacity, not to exceed a student capacity cap of 750 plus (450 a/b)</p>
	<p>WHERE</p> <p>a = Number of existing Elementary Schools in the CSA</p>
	<p>b = Number of existing Elementary Schools in the District</p> <p>Step 1. Aggregating the permanent capacity of all elementary schools within the CSA. For purposes of this analysis, "permanent capacity" for each elementary school (except for schools designated for receiving Title I assistance) shall mean 100 percent of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 750 student stations per school. For purposes of this analysis, "permanent capacity" for each elementary school designated for receiving Title I assistance shall mean 85 percent of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 750 student stations per school.</p>

Step2.	<p>Adding to the aggregate number of student stations determined above, the CSA's aggregate temporary capacity for elementary schools within the CSA. For purposes of this analysis, each CSA's elementary school "temporary capacity" shall mean the CSA's proportionate share of the number of student stations required on district-wide basis to accommodate elementary school students until the School Board experiences district-wide elementary school student enrollment which is 450 students more than the School Board's district-wide elementary school permanent capacity. Each CSA's proportionate share of such temporary capacity shall be determined by dividing 450 by the total number of elementary schools operating in the district, and then multiplying by the number of elementary schools operating in the CSA.</p> <p>II. Middle School LOS.</p>
	<p><del>100% of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)</del></p>
	<p>WHERE</p> <p>a = Number of existing Middle Schools in the CSA</p>
	<p>b = Number of existing Middle Schools in the District</p>
	<p>Step 1. Aggregating the permanent capacity of all middle schools within the CSA.</p>
	<p>For purposes of this analysis, "permanent capacity" for each middle school (except for schools designated for receiving Title I assistance) shall mean 100 percent of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 1,200 student stations per</p>
	<p>school. For purposes of this analysis, "permanent capacity" for each middle school designated for receiving Title I assistance shall mean 85 percent of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 1200 student stations per school.</p>

	<p>Step 2. Adding to the aggregate number of student stations determined above, the CSA's aggregate temporary capacity for middle schools within the CSA. For purposes of this analysis, each CSA's middle school "temporary capacity" shall mean the CSA's proportionate share of the number of student stations required on district-wide basis to accommodate middle school students until the School Board experiences district-wide middle school student enrollment which is 720 students more than the School Board's district-wide middle school permanent capacity. Each CSA's proportionate share of such temporary capacity shall be determined by dividing 720 by the total number of middle schools operating in the district, and then multiplying by the number of middle schools operating in the CSA.</p> <p>III. High School LOS.</p> <p>100% of permanent FISH capacity, not to exceed a student capacity cap of 1,800 plus (1080 a/b)</p>
	<p>WHERE</p>
	<p>a = Number of existing High Schools in the CSA</p> <p>b = Number of existing High Schools in the District</p>
	<p>Step 1. Aggregating the permanent capacity of all High Schools within the CSA. For purposes of this analysis, "permanent capacity" for each high school shall mean</p>
	<p>100 percent of the permanent existing satisfactory student stations planned to house students by the end of the third year of the Five Year Capital Improvement Plan (after applying the DOE utilization rate), capped at total capacity of 1800</p>
	<p>student stations per school.</p>
	<p>Step 2. Adding to the aggregate number of student stations determined above, the CSA's aggregate temporary capacity for high schools within the CSA. For purposes of this analysis, each CSA's high school "temporary capacity" shall mean the CSA's proportionate share of the number of student stations required on district-wide basis to accommodate high school students until the School Board experiences district-wide high school student enrollment which is 1,080 students more than the School Board's district-wide high school permanent capacity. Each CSA's proportionate share of such temporary capacity shall be determined by dividing 1,080 by the total number of high schools operating in the district, and then multiplying by the number of high schools operating in the CSA.</p>

	IV. Title I Elementary School LOS
	85 percent of permanent FISH capacity, not to exceed a student capacity cap of 750, plus (450 a/b)
	WHERE
	a = Number of existing Elementary Schools in the CSA
	b = Number of existing Elementary Schools in the District
	V. Title I Middle School LOS
	85 percent of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)
	WHERE
	a = Number of existing Middle Schools in the CSA
	b = Number of existing Middle Schools in the District

*Policy 8.A3.2.* The interim roadway level of service standards shall be reevaluated as new data and analysis becomes available. The City shall raise standards through a plan amendment when road improvements by the City, Martin County or the Florida Department of Transportation enable the achievement and maintenance of a better standard. The City will coordinate with Martin County and FDOT in this effort.

*Policy 8.A3.3.* The City shall set forth a financially feasible plan in the Capital Improvements Element that demonstrates that the City can achieve and maintain the adopted level of service.

*Policy 8.A3.4.* The City shall coordinate addressing and adopting levels of service for any of the above facilities that are maintained or the responsibility of any other State, regional, or local entity.

(Ord. No. 2158-08, § 1, 5-12-2008; Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

Objective 8.[A]4. - [Concurrency management system.]

A concurrency management system to ensure that the issuance of a development order or development permit is conditioned upon the availability of public facilities and services necessary to serve new development consistent with the provisions of F.S. ch. 163, pt. II [F.S. § 163.2511 et seq.], ~~and F.A.C. ch. 9J-5, in effect on July 1, 1998~~. This system will also ensure that public facility demands created by previously issued development orders and otherwise committed development will not lower the level of service below the standard except as allowed by this plan.

The following policies support this objective:

*Policy 8.A4.1.* The level of service standards established in Policy 3.1 shall be used to determine the adequacy of public facilities.

*Policy 8.A4.2.* To ensure the availability of adequate sanitary sewer, solid waste, drainage and potable water facilities, the City will not issue a final development order or permit unless:

- A. It is conditioned on the requirement that the necessary facilities and services will be in place and available to serve the new development when the certificate of occupancy is issued; or
- B. The necessary facilities and services are guaranteed to be in place at the time of the issuance of a certificate of occupancy by an enforceable development agreement, pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 380.

*Policy 8.A4.3.* To ensure the availability of adequate recreation facilities, the City will not issue a final development order or permit unless:

- A. It is conditioned on the requirement that the necessary facilities and services will be in place and available to serve the new development when the certificate of occupancy is issued; or
- B. It is conditioned on the requirement that the necessary facilities and services are scheduled in the five-year schedule of capital improvements to be in place or under actual construction not more than one year after issuance of a certificate of occupancy; or
- C. The necessary facilities and services are guaranteed to be in place or under actual construction not more than one year after the issuance of a certificate of occupancy by an enforceable development agreement, pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 380; or
- D. The necessary facilities and services are guaranteed to be in place or under actual construction not more than one year after the issuance of a certificate of occupancy through a binding executed agreement.

*Policy 8.A4.4.* To ensure the availability of adequate transportation facilities, the City will not issue a final development order or permit unless:

- A. The necessary facilities are in place or under construction; or
- B. It is conditioned on the requirement that the necessary facilities and services are scheduled in the five-year schedule of capital improvements to be in place or under actual construction not more than three years after issuance of a certificate of occupancy; or
- C. The necessary facilities and services are guaranteed to be in place or under actual construction not more than three years after the issuance of a certificate of occupancy through a binding executed agreement; or
- D. The necessary facilities and services are guaranteed to be in place or under actual construction not more than three years after the issuance of a certificate of occupancy by an enforceable development agreement, pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 380.

*Policy 8.A4.5.* A plan amendment is required to eliminate, defer, or delay construction of any road facility or service which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of capital improvements.

*Policy 8.A4.6.* A proposed development shall be deemed to have a de minimus impact and shall not be subject to the concurrency requirements of this plan if it meets the conditions for de minimus in F.S. ch. 163, pt. II [F.S. § 163.2511 et seq.], in effect on July 1, 1998.

*Policy 8.A4.7.* The City may allow a landowner to proceed with a specific development notwithstanding a failure to satisfy the transportation concurrency requirements of Policy 4.4 when all of the following factors are shown to exist:

- A. The Comprehensive Plan is in compliance;
- B. The development is otherwise consistent with all relevant aspects of the Comprehensive Plan and land development regulations;
- C. Adequate transportation facilities have been planned in the local plan's five-year schedule of capital improvements and the schedule is financially feasible, but the local government has not implemented the scheduled improvements.
- D. Stuart or the appropriate agency has collected a transportation impact fee from the landowner that has been determined to equal the fair share of the cost of providing the transportation facilities necessary to serve the proposed development.

*Policy 8.A4.8.* The staging or phasing of development may occur as long as the necessary facilities and services are available to accommodate the growth impacts of such stage or phase.

*Policy 8.A4.9.* Notwithstanding the provisions of Policy 4.4, urban redevelopment within Stuart (which is designated as an Existing Urban Service Area by Future Land Use Element Policy B2.4 and mapped consistent with F.S. § 163.3164 (29)) shall not be subject to a concurrency evaluation for up to 110 percent of the transportation impact generated by the previously existing development. The urban redevelopment must replace or renovate an actual previous built use that was occupied and active since 1980.

*Policy 8.A4.10.* An implementation and monitoring system shall consist of the following components:

- A. *Preparation of an annual report.* An annual report shall be prepared at the beginning of each fiscal year to document the status of the facility capacity relative to facility demands based on the City's adopted level of service. The annual report shall constitute evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the 12-month fiscal year following completion of the annual report.
- B. *Public facility review.* A separate record shall be maintained during each fiscal year to indicate the cumulative impacts of all development orders approved during the fiscal year-to-date on the capacity of public facilities set forth in the most recent annual report on capacity and levels of service of public facilities. Capacity expected to be utilized by approved development (committed capacity) shall be reserved. The use of continued reservation of this committed capacity shall be evaluated at the end of each fiscal year. The land development regulations of the City shall provide

that applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted after a time period to be specified in the land development regulations.

- C. *Review of changes in planned capacity of public facilities.* The City shall review each amendment to this Capital Improvement Element, in particular any changes in standards for levels of service and changes in the schedule of capital improvements committed to by the City or those facility improvements committed to by either another local governmental entity or private developer.

*Policy 8.A4.11.* The City shall monitor the impact of development on the facilities through continuous evaluation upon the receipt of each permit application and prior to its approval.

*Policy 8.A4.12.* The City shall continue ongoing maintenance and implementation of the concurrency management system that ensures that development orders and development permits are issued in a manner that will not result in a reduction in the levels of service below the adopted level of service standards for the affected facility except as specified in this element.

(Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

Objective 8[A]5. - [Coordination with other plan elements.]

The Capital Improvements Element shall be coordinated with the other plan elements. Public funds for capital improvements shall not be expended in ways contrary to the policy direction of this Plan. Public funds that subsidize development in the Coastal High Hazard Area shall be limited.

The following policy supports this objective:

*Policy 8.A5.1.* The City shall direct expenditures for capital improvements that recognize the policies of the other Comprehensive Plan elements.

Objective [A]6. - [Periodic assessments of goals, objectives and policies.]

The City shall conduct periodic assessments of the Capital Improvements Element goals, objectives and policies. The following policy supports this objective:

*Policy 8.A6.1.* The required Evaluation and Appraisal Report (EAR) will address the implementation of the goals, objectives and policies of the Capital Improvements Element. The monitoring procedures necessary to enable the completion of the EAR include:

- A. Review of annual reports of the concurrency implementation and monitoring system.
- B. Review of annual updates of the Capital Improvements Element, including updated supporting documents.

(Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

Objective 8[A]7. - [Five-Year Schedule of Capital Improvements.]





[8.A.1.2](#)—Revenue Sources for Capital Improvements Project>

Revenue Sources: GF—General Fund; GT—Gas Tax; Impact Fees—IF; G—Grant; ST—½-Cent Sales Tax;  
WS—Water and Sewer Fund; SF—Stormwater Fund; SA—Special Assessment; LN—Loan

- (1) - Committed Revenue Source
- (2) - Planned Revenue Source
- (3) - To be determined

(Ord. No. 2197-10, § 1, 1-25-2010; Ord. No. 2218-2011, § 1, 1-10-2011)