

Changes to Chapter 163, Florida Statutes 1986-2006

Changes to Chapter 163, F.S. 1986-2006		Ch. 163, F.S. Citations	N/A*	Process	Addressed (where/how)	Amendment Needed By Element
1986: [Ch. 86-191, SS.7 - 12, & 18 - 31, <u>Laws of Florida</u>]						
1	The requirement that plans include soil surveys which indicate the suitability of soils for septic tanks moved from the Capital Improvements Element to the General Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Aquifer Recharge Element, by striking Subparagraph 163.3177(3)(a)4., & adding the last sentence of Paragraph 163.3177(6)(c).	163.3177(6)(c)			Statutory requirements from 1986 to 1989 should already be in local comp plans. Examine plans to confirm this.	
2	A Future Land Use Element must have "goals, policies, & measurable objectives," rather than "measurable goals, objectives, & policies."	163.3177(6)(a)				
3	Eliminated the 12-month delay for consistency with the comprehensive regional policy plans.	163.3177(9)(c)				
4	<p>Approved 9J-5, F.A.C.</p> <p>Defined "consistency," "compatible with," & "furthers."</p> <p>Required each local government to review & address all State Comprehensive Plan provisions relevant to that jurisdiction.</p> <p>Support data shall not be subject to the compliance review process, but that goals & policies must be clearly based on appropriate data. The Department of Community Affairs authorized to reject data if not collected in a professionally accepted manner, but forbidden to require a particular professionally accepted methodology. 9J-5 does not require original data collection.</p> <p>Recognized that local governments are charged with setting level-of-service standards.</p> <p>Public facilities & services needed to support development shall be available concurrent with the impacts of development.</p> <p>Established the "shield" against rule challenges to 9J-5 until July 1, 1987.</p>	163.3177(10)				

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5	Required the comprehensive master plan for each deepwater port to be submitted to the appropriate local government at least 6 months before the due date of the local plan; defined "appropriate local government," & provided for sanctions for deepwater ports which are not part of a local government & which fail to submit their comprehensive master plan.	163.3178(2)(k)				
6	Substantially reworded Section 163.3184, " Process for adoption of comprehensive plan or amendment thereto," to basic format in place today.	163.3184				
7	Extended development of regional impact exemption from twice-a-year plan amendments to Florida Quality Developments.	163.3187(1)(b)				
8	Exempted small scale amendments from the twice-a-year limitation.	163.3187(1)(c)				
9	Required the local planning agency evaluation & appraisal report to be transmitted to DCA, & required the governing body of the local government to adopt, or adopt with changes, the local planning agency's report within 90 days after receipt. Authorized transmittal of the EAR plan amendments, rather than the entire plan as amended, to DCA.	163.3191(1) & (4) [Note: 163.3191 was amended & reworded in 1998. Check statutes for current wording.]				
10	Delayed implementation of concurrency until 1 year after due date for submittal of the comp plan.	163.3202(2)(g)				
11	Initial adoption of the Florida Local Government Development Agreement Act .	[Now: 163.3220-.3243]				
1987: [Ch. 87-224, SS. 24, 25 & 26, <u>Laws of Florida</u> (Revisor's bill), & Ch. 87-338, <u>Laws of Florida</u>]						
12	Extended date for DCA to adopt schedule for submittal of local plans from October 1, 1986 to October 1, 1987, & extended the latest date for submission by non-coastal counties from July 1, 1990 to July 1, 1991.	[Now: 163.3167(2)]				
1988: None						
1989: None						
1990: None						
1991: [Ch. 91-45, SS. 31 & 32, <u>Laws of Florida</u>] Nothing substantive.						
1992: [Ch. 92-129, <u>Laws of Florida</u> , & Ch. 92-279, S. 77, <u>Laws of Florida</u>]						
13	Clarified that the procedures for approval of the original plans also applied to plan amendments .	[Now: 163.3189(2)(a)]		x		
14	Provided that the local planning agency should prepare plan amendments.	163.3174; 163.3164(13) [Now: (14)]		x		

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		163.3221(10)[Now: (11)]				
15	Added "spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports" to the definition of "public facilities."	163.3164(24)	x			
16	Added requirement that independent special districts submit a public facilities report to the appropriate local government.	163.3177(6)(h)2. [Now: 163.3177(6)(h)3.]		x		
17	Extended "shield" against challenges to the portion of Rule 9J-5 that was adopted before October 1, 1986, from July 1 1987 to April 1, 1993.	163.3177(10)(k)		x		
18	Recognized the need for innovative planning & development strategies to address the anticipated continued urbanization of the coast & other environmentally sensitive areas.	163.3177(11)(a)		x		
	Stated that plans should allow land use efficiencies within existing urban areas, & should also allow for the conversion of rural lands to other uses.	(11)(b)		x		
	Provided that plans & land development regulations (LDRs) should maximize the use of existing facilities & services through redevelopment, urban infill, & other strategies for urban revitalization.	(11)(c)		x		
19	Amended definition of "affected person" to clarify that the affected person's comments, recommendations, or objections have to be submitted to the local government after the transmittal hearing for the plan amendment & before the adoption of the amendment.	163.3184(1)(a)		x		
20	Required the local government to include such materials as DCA specifies by rule with each plan amendment transmittal.	163.3184(3)(b)		x		
21	Gave the local government 120 days , rather than 60 days, after receipt of the objections, recommendations, & comments to adopt or adopt with changes the plan or amendment ; & gives the local government 10 days, rather than 5 days, after adoption to transmit the adopted plan or amendment to DCA. Also requires that a copy of the adopted plan or amendment be transmitted to the regional planning council.	163.3184(7)(a) [Now: 163.3184(7)(c)1]		x		

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22	Provided that the Secretary of DCA, as well as a "senior administrator other than the Secretary" can issue a notice of intent (NOI) .	163.3184(8)(b)		x		
23	Required that the Division of Administrative Hearings hearing must be held "in the county of and convenient to" the affected local jurisdiction.	163.3184(9)(b) & (10)(a)		x		
24	Provided that new issues cannot be raised concerning plan compliance more than 21 days after publication of the NOI.	163.3184(10)(a)		x		
25	Added a procedure for compliance agreements .	163.3184(16)		x		
26	<p>Changed the requirements for small scale amendments:</p> <ul style="list-style-type: none"> • Increased the geographic size from 5 to 10 acres of residential land use at a density of 10, rather than 5, units per acre; & for other land use, an increase from 3 to 10 acres. Also increased the annual total from 30 to 60 acres. • Allowed local governments to use a newspaper ad of less than a quarter page in size. • Authorized DCA to adopt rules establishing an alternative process for public notice for small scale amendments. • Provided that small scale amendments require only an adoption hearing. 	163.3187(1)(c)		x		
27	Provided that a plan amendment required by a compliance agreement may be approved without regard to the twice-a-year limitation on plan amendments.	163.3187(1)(e) [Now: 163.3187(1)(d)]		x		
28	Stated that nothing in the statute prevented a local government from requiring a person requesting an amendment to pay the cost of publication of notice .	163.3187(5)		x		
29	Created an alternative process for amendment of adopted comprehensive plans	163.3189		x		
30	Provided that the first EAR report is due 6 years after the adoption of the comp plan, & subsequent EAR reports are due every 5 years thereafter.	163.3191(5) [Now: 163.3191(13)]		x		
31	Amended the Development Agreement Act by providing:			x		

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	<ul style="list-style-type: none"> A process for mitigating extrajurisdictional impacts in the jurisdiction in which they occur. A dispute resolution process. A process for modification of DRI development orders without loss of recognized development rights. Procedures to identify & implement joint planning areas. Recognition of campus master plans. Requiring each county, all municipalities within that county, the school board, & other service providers to enter into formal agreements, & include in their plans, joint processes for collaborative planning & decision-making. <p>Requiring DCA to:</p> <ul style="list-style-type: none"> Adopt rules to establish minimum criteria for ICE. Prepare a model ICE. Establish a schedule for phased completion & transmittal of ICE plan amendments. 	<p>[Now: 163.3177(9)(h) 163.3177(9)(h) 163.3177(6)(h)5.]</p>		x		
37	Providing that amendments to implement the ICE must be adopted no later than December 31, 1997. [Now: 1999]	Now: 163.3177(6)(h)5.		x		
38	Requiring a transportation element for urbanized areas.	163.3177(6)(h) [Now: 163.3177(6)(j)]			Address in the EAR if a Transportation Element has not been adopted.	Transportation Element
39	Adding an optional hazard mitigation/post disaster redevelopment element for local governments that are not required to have a coastal management element.	163.3177(7)(l)	x			
40	Requiring DCA to consider land use compatibility issues in the vicinity of airports .	163.3177(10)(l)		x		
41	<p>Amended the coastal management element by:</p> <ul style="list-style-type: none"> Defining "high hazard coastal areas" as category I evacuation zones, & stated that mitigation & redevelopment policies are at the discretion of the local government. Affirming state commitment to deepwater ports, & required the Section 186.509 dispute resolution process to reconcile inconsistencies between port master plans & local comp plans. 	<p>163.3178</p> <p>(2)(h)</p> <p>(5)</p>			Address in EAR if the Coastal Management and Future Land Use Element have not been amended.	Coastal Management Element

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	<ul style="list-style-type: none"> Encouraging local governments to adopt countywide marina siting plans. Requiring coastal local governments to identify spoil disposal sites in the future land use & port elements. Requiring each county to establish a process for identifying & prioritizing coastal properties for state acquisition. 	(6) (7) (8)	x x			
42	<p>Created a new section for concurrency which:</p> <ul style="list-style-type: none"> Provides concurrency on a statewide basis only for roads, sewers, solid waste, drainage, potable water, parks & recreation, & mass transit; a local government can extend concurrency to public schools if it first conducts a study to determine how the requirement would be met. Set timing standards for concurrency of: <ul style="list-style-type: none"> For sewer, solid waste, drainage & potable water facilities, in place no later than the issuance of the certificate of occupancy. For parks & recreation facilities, no later than 1 year after issuance of certificate of occupancy. For transportation facilities, in place or under actual construction no later than 3 years after issuance of a certificate of occupancy. Allowing exemptions from transportation concurrency for urban infill, urban redevelopment & downtown revitalization. Allowing a de minimus transportation impact of not more than 0.1% of the maximum volume of the adopted level of service as an exemption from concurrency. Authorizing the designation of transportation management areas. Allowing urban redevelopment to create 110% of the actual transportation impact caused by existing development before complying with concurrency. Authorizing local governments to adopt long-range transportation concurrency management systems with planning periods of up to 10 years 	163.3180		x		

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	<p>where significant backlogs exist.</p> <ul style="list-style-type: none"> Requiring local governments to adopt the level-of-service standard established by the Department of Transportation for facilities on the Florida Intrastate Highway System. Allows development that does not meet concurrency if the local government has failed to implement the Capital Improvements Element, & the developer makes a binding commitment to pay the fair share of the cost of the needed facility. 					
43	<p>Provided a procedure to ensure public participation in the approval of a publicly financed capitol improvement.</p>	163.3181(3)		x		
44	<p>Amended the procedure for the adoption of plans & plan amendments as follows:</p> <ul style="list-style-type: none"> Proposed plans or amendments, & materials, must be transmitted to the regional planning councils, the water management districts, the Department of Environmental Protection, & the Department of Transportation as specified in DCA's rules. DCA reviews amendments only upon the request of the regional planning council, an affected person, or the local government, or those, which it wishes to review. The regional planning council's review of plan amendments is limited to effects on regional facilities or resources identified in the strategic regional policy plan & extra jurisdictional impacts. DCA may not require a local government to duplicate or exceed a permitting program of a state, federal, or regional agency. 	163.3184		x		
45	<p>Provided that local governments cannot amend their comp plans after the date established for submittal of the EAR report unless the report has been submitted.</p>	163.3187(5) [Now: 163.3187(6)(a)]		x		
46	<p>Changed the Alternative Process for the amendment of adopted comp plans to the Exclusive Process.</p>	163.3189(1)		x		
47	<p>Provided that plan amendments do not become effective until DCA or the Administration Commission issues a final order determining that the amendment is in compliance.</p>	163.3189(2)(a)		x		

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48	Provides that the sanctions assessed by the Administration Commission do not occur unless the local government elects to make the amendment effective despite the determination of noncompliance.	163.3189(2)(b)		x		
49	Authorizing the local government to demand formal or informal mediation , or expeditious resolution of the amendment proceeding.	163.3189(3)(a)		x		
50	Amended the EARs section to require additional statements of: <ul style="list-style-type: none"> • The effect of changes to the state comprehensive plan, ch. 163, part II, 9J-5 & the strategic regional policy plan. • The identification of any actions that need to be taken to address the planning issues identified in the report. • Proposed or anticipated amendments. • A description of the public participation process. • Encourage local governments to use the EAR to develop a local vision. • Allows DCA to grant a 6 month extension for the adoption of plan amendments required by the EAR. • Requires plan amendments to be consistent with the report. • Allows municipalities of less than 2,500 to submit the EAR no later than 12 years after initial plan, & every 10 years thereafter. • Authorized DCA to review EAR for sufficiency, but not for compliance. DCA authorized to delegate review to the regional planning council . • Administration Commission is authorized to impose sanctions for failure to timely implement the EAR. • DCA authorized to enter into agreement with municipalities of less than 5,000 & counties of less than 50,000 to focus planning efforts on selected issues when updating the plans. 	163.3191 [Note: 163.3191 was amended & reworded in 1998. Check statutes for current wording.]		x x x x x	Address applicable requirements in the EAR & EAR-based amendments.	
1994 [Ch. 94-273, S. 4, <u>Laws of Florida</u>]						
51	A plan amendment for the location of a state correctional facility can be made at any time, & does not count toward the twice-a-year limitation .	163.3187(1)(f) [Now: 163.3187(1)(e)]		x		

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1995 [Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310, ss. 7-12; Ch. 95-322, ss. 1-7; Ch. 95-341, ss. 9, 10, & 12, <u>Laws of Florida</u>]					
52	Required opportunities for mediation or alternative dispute resolution where a property owner's request for a comprehensive plan amendment is denied by a local government [Subsection 163.3181(4)] & prior to a hearing where a plan or plan amendment was determined by the DCA to be not in compliance.	163.3184(10)(c)			
53	Added a definition for " transportation corridor management " [Subsection 163.3164(30)] & allowed the designation of transportation corridors in the required traffic circulation & transportation elements & the adoption of transportation corridor management ordinances.	163.3177(6)(j)9.		x	Definitions of the FAC are adopted unless otherwise stated in the plan.
54	Amended the definition of "public notice" & certain public notice & public hearing requirements to conform to the public notice & hearing requirements for counties & municipalities in Sections 125.66 & 166.041, respectively.	163.3164(18), 163.3171(3), 163.3174(1) & (4), & 163.3181(3)(a), 163.3184(15)(a)-(c), 163.3187(1)(c)		x	
55	Prohibited any initiative or referendum process in regard to any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.	163.3167(12)		x	
56	Reduced to 30 [Note: changed to 20] days the time for DCA to review comp plan amendments resulting from a compliance agreement .	163.3184(8)(a)		x	
57	Amended the requirements for the advertisement of DCA notice of intent .	163.3184(8)(b)		x	
58	Required the administrative law judge to realign the parties in a Division of Administrative Hearings (DOAH) proceeding where a local government adopts a plan amendment pursuant to a compliance agreement.	163.3184(16)(f)		x	
59	Added clarifying language relative to those small scale plan amendments that are exempt from the twice-per-year limitation & prohibited DCA review of those small scale amendments that meet the statutory criteria in Paragraph 163.3187(1)(c).	163.3187(1)(c) & (3)(a)-(c)		x	
60	Required DCA to consider an increase in the annual total acreage threshold for small scale amendments . (later repealed by s. 16, Ch. 2000-158, Laws of Florida).	163.3177(7)		x	
61	Required local planning agencies to provide opportunities for involvement by district school	163.3174(1)		x	

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boards & community college boards.						
62	Required that the future land use element clearly identify those land use categories where public schools are allowed.	163.3177(6)(a)			Address in EAR & EAR-based amendments.	FLUE
63	Established certain criteria for local governments wanting to extend concurrency to public schools (later amended by s. 5, Ch. 98-176, Laws of Florida).	163.3180(1)(b) [Now: 163.3180(13)]		x		
1996: [Ch. 96-205, s. 1; Ch. 96-320, ss. 10-11; 96-416, ss. 1-6, 15, <u>Laws of Florida</u>]						
64	Substantially amended the criteria for small scale amendments that are exempt from the twice-per-year limitation .	163.3187(1)(c)		x		
65	Revised the objectives in the coastal management element to include the maintenance of ports .	163.3177(6)(g)9.	x			
66	Provide that certain port related expansion projects are not DRIs under certain conditions.	163.3178(2), (3), & (5)	x			
67	Allowed a county to designate areas on the future land use plan for possible future municipal incorporation .	163.3177(6)(a)	x			
68	Required the ICE to include consideration of the plans of school boards & other units of local government providing services but not having regulatory authority over the use of land.	163.3177(6)(h)			Address in EAR & EAR-based amendments.	ICE
69	Revised the processes & procedures to be included in the ICE.	163.3177(6)(h)			Address in EAR & EAR-based amendments.	ICE
70	Required that within 1 year after adopting their ICE each county & all municipalities & school boards therein establish by interlocal agreement the joint processes consistent with their ICE.	163.3177(6)(h)2.		x		
71	Required local governments who utilize school concurrency to satisfy intergovernmental coordination requirements of ss. 163.3177(6)(h)1.	163.3180(1)(b)2. [Now: 163.3180(13)(g)]		x		
72	Permitted a county to adopt a municipal overlay amendment to address future possible municipal incorporation of a specific geographic area.	163.3217		x		
73	Authorized DCA to conduct a sustainable communities demonstration project .	163.3244 [Now: Repealed.]	x			
1997: [Ch. 97-253, ss. 1-4, <u>Laws of Florida</u>]						
74	Amended the definition of de minimis impact as it pertains to concurrency requirements.	163.3180(6)		x		
75	Established that no plan or plan amendment in an area of critical state concern is effective until found in	163.3184(14)	x			

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	compliance by a final order.					
76	Amended the criteria for the annual effect of Duval County small scale amendments to a maximum of 120 acres.	163.3187(1)(c)1.a.III	x			
77	Prohibited amendments in areas of critical state concern from becoming effective if not in compliance.	163.3189(2)(b)	x			
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 & 12-15; Ch. 98-258, ss. 4-5, <u>Laws of Florida</u>]						
78	Exempted brownfield area amendments from the twice-a-year limitation .	163.3187(1)(g)		x		
79	Required that the capital improvements element set forth standards for the management of debt .	163.3177(3)(a)4.			Review comp plan & address deficiencies in the EAR & EAR-based amendments.	CIE
80	Required inclusion of at least two planning periods – at least 5 years & at least 10 years.	163.3177(5)(a)			Review comp plan & address deficiencies in the EAR & EAR-based amendments.	Future Land Use Element
81	Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)		x		
82	Defined “optional sector plan” & created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) & 163.3245		x		
83	Established the requirements for a public school facilities element .	163.3177(12)		x		
84	Established the minimum requirements for imposing school concurrency .	163.3180(12) [Now: Section (13)]		x		
85	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section 14]		x		
86	Required that evaluation & appraisal reports address coordination of the comp plan with existing public schools & the school district’s 5-year work program.	163.3191(2)(i) [Now: 163.3191(2)(k)]			Review comp plan & address deficiencies in the EAR & EAR-based amendments.	
87	Amended the definition of “in compliance” to includes consistency with Sections 163.3180 & 163.3245.	163.3184(1)(b)		x		
88	Required DCA to maintain a file with all documents received or generated by DCA relating to plan amendments & identify; limited DCA review of proposed plan amendments to written comments, & required DCA to identify & list all written communications received within 30 days after transmittal of a proposed plan	163.3184(2), (4), & (6)	x			

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	amendment.					
89	Allowed a local government to amend its plan for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)		x		
90	Substantially reworded Section 163.3191, F.S., related to evaluation & appraisal reports .	163.3191			Examine statutory language to determine appropriate actions.	
91	Changed the population requirements for municipalities & counties which are required to submit otherwise optional elements.	163.3177(6)(i)		x		
1999: [Ch. 99-251, ss. 65-6, & 90; Ch. 99-378, ss. 1, 3-5, & 8-9, <u>Laws of Florida</u>]						
92	Required that ports & local governments in the coastal area, which has spoil disposal responsibilities , identify dredge disposal sites in the comp plan.	163.3178(7)	x			
93	Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities & projects eligible for funding by the Florida Seaport Transportation & Economic Development Council.	163.3187(1)(h)	x			
94	Required rural counties to base their future land use plans & the amount of land designated industrial on data regarding the need for job creation, capital investment, & economic development & the need to strengthen & diversity local economies.	163.3177(6)(a)	x			
95	Added the Growth Policy Act to Ch. 163 , Part II to promote urban infill & redevelopment .	163.2511, .2514, .2517, .2520, .2523, & .2526		x		
96	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)			Review comp plan & address deficiencies in the EAR & EAR-based amendments.	ICE
97	Made transportation facilities subject to concurrency.	163.3180(1)(a)		x		
98	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes & pedestrians.	163.3180(1)(b)		x		
99	Excludes public transit facilities from concurrency requirements .	163.3180(4)(b)		x		
100	Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local	163.3180(12)	x			

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	comprehensive plan under limited circumstances.					
101	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		x		
102	Exempted amendments for urban infill & redevelopment areas, public school concurrency from the twice-per-year limitation .	163.31879(1)(h) & (i) [Now: (i) & (j)]		x		
103	Defined brownfield designation & added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see Section 163.3221(1) for "brownfield" definition.]	163.3220(2)		x		
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]						
104	Repealed Section 163.3184(11)(c), F.S. , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c) [Now: Repealed]	x			
105	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments & a report by DCA.	163.3187(7) [Now: Repealed]	x			
106	Repealed Sections 163.3191(13) & (15), F.S.	163.3191(13) & (15) [Now: Repealed]	x			
107	Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	x			
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development within urban infill & redevelopment areas .	163.2517(3)(j)2.		x		
2001: [Ch. 2001-279, s. 64, Laws of Florida]						
109	Created the rural land stewardship area program.	163.3177(11)(d)	x			
2002: [Ch. 2002-296, ss. 1 - 11, Laws of Florida]						
110	Required that all agencies that review comprehensive plan amendments & rezoning include a nonvoting representative of the district school board .	163.3174		x		
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)			Address in EAR & EAR-based amendments.	Utilities/Infrastructure Element
112	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)		x		
113	Required that by adoption of the EAR , the sanitary sewer, solid waste, drainage, potable water & natural	163.3177(6)(c)			Address in EAR & EAR-based amendments.	Utilities/Infrastructure Element

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Changes to Chapter 163, F.S. 1986-2006		Ch. 163, F.S. Citations	N/A*	Process	Addressed (where/how)	Amendment Needed By Element
	groundwater aquifer recharge element consider the regional water supply plan & include a 10-year work plan to build the identified water supply facilities.					
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)			Address in EAR & EAR-based amendments.	Conservation Element
115	Required that the intergovernmental coordination element (ICE) include relationships, principles & guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)				ICE
116	Required the local governments adopting a public educational facilities element execute an interlocal agreement with the district school board, the county, & non-exempting municipalities.	163.3177(6)(h)4.	x			
117	Required that counties larger than 100,000 population & their municipalities submit a interlocal service delivery agreement (existing & proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss & identify strategies to remedy any deficiencies or duplications.	163.3177(6)(h)6., 7., & 8.			Review records to confirm interlocal was executed.	ICE should be updated with the relevant findings of the Pinellas County Interlocal service delivery report.
118	Required local governments & special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9.		x		
119	Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	x			
120	Added a new Section 163.31777 that requires local governments & school boards to enter into an interlocal agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure & safety needs of schools, schools as emergency shelters, & sharing of facilities.	163.31777			Review records to confirm interlocal was executed.	ICE
121	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill & redevelopment areas.	163.3180(4)(c)		x		
122	Expanded the definition of "affected persons" to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)		x		
123	Expanded the definition of "in compliance" to include consistency with Section 163.31776 (public educational	163.3184(1)(b)		x		

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	facilities element).					
124	Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), & (8)		x		
125	Required that local governments provide a sign-in form at the transmittal hearing & at the adoption hearing for persons to provide their names & addresses.	163.3184(15)(c)		x		
126	Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)		x		
127	Required EARs to include (1) consideration of the appropriate regional water supply plan, & (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)			Address in the EAR & EAR-based amendments.	
128	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		x		
129	Created the Local Government Comprehensive Planning Certification Program to allow less state & regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246	x			
130	Added a provision to Section 380.06(24), Statutory Exemptions , that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)	x			
131	Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)	x			

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2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, <u>Laws of Florida.</u>]					
132	Creates the Agricultural Lands & Practices Act . (2): Provides legislative findings & purpose with respect to agricultural activities & duplicative regulation. (3): Defines the terms “farm,” “farm operation,” & “farm product” for purposes of the act. (4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land. (4)(a): Provides that the act does not limit the powers of a county under certain circumstances. (4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances. (4)(c): Provides that the act does not limit the powers of certain counties . (4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation .	163.3162	x		
133	Changes “State Comptroller” references to “Chief Financial Officer.”	163.3167(6)		x	
134	Provides for certain airports to abandon DRI orders.	163.3177(6)(k)	x		
135	Amended to conform to the repeal of s. 235.185 & the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)		x	
136	Amended to conform to the repeal of ch. 235 & the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)		x	
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, <u>Laws of Florida.</u>]					
137	(10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, & the creation of the Florida High-Speed Rail Authority Act. (13): Created to require local governments to identify adequate water supply sources to meet future demand.	163.3167	x		(13) Address in EAR & EAR-based amendments. Utilities/Infrastructure Element

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Changes to Chapter 163, F.S. 1986-2006		Ch. 163, F.S. Citations	N/A*	Process	Addressed (where/how)	Amendment Needed By Element
	(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.			x		
138	<p>(1): Provides legislative findings on the compatibility of development with military installations.</p> <p>(2): Provides for the exchange of information relating to proposed land use decisions between counties & local governments & military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>	Creates 163.3175.	x			
139	<p>(6)(a):</p> <ul style="list-style-type: none"> • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. • Changed to specifically encourage rural land stewardship area designation as an overlay on the future land use map. <p>(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; & exempts such amendment from the limitation on frequency of adoption of amendments.</p>	163.3177	x		<p>Note nonapplicability in EAR Future Land Use Element.</p> <p>Address in EAR & EAR-based amendments.</p>	

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Changes to Chapter 163, F.S. 1986-2006	Ch. 163, F.S. Citations	N/A*	Process	Addressed (where/how)	Amendment Needed By Element
<p>(10)(l): Provides for the coordination by the state land planning agency & the Department of Defense on compatibility issues for military installations.</p> <p>(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas.</p> <p>(11)(d)2.: Provides for multicounty rural land stewardship areas.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.</p> <p>(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill & redevelopment projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights & urban infill & redevelopment; requires DCA to provide technical assistance to local governments.</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p></p> <p></p> <p></p> <p></p> <p>X</p> <p>X</p>		
<p>140 (1): Provides legislative findings with respect to the shortage of affordable rentals in the state.</p> <p>(2): Provides definitions.</p> <p>(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.</p> <p>(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at</p>	<p>Creates 163.31771</p>		<p>X</p> <p>X</p>	<p>(3) Address in the housing portion of the EAR & EAR-based amendments.</p> <p>(4) Address in the housing portion of the EAR & EAR-based amendments.</p>	

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	<p>an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p> <p>(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.</p> <p>(6): Requires the DCA to report to the Legislature.</p>		x		(5) Address in the housing portion of the EAR & EAR-based amendments.	
141	Amends the definition of "in compliance" to add language referring to the Wekiva Parkway & Protection Act .	163.3184(1)(b)	x		Note nonapplicability in EAR Future Land Use Element.	
142	<p>(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.</p> <p>(1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.</p>	163.3187	x			
143	Created to provide that evaluation & appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations .	163.3191(2)(n)			Note nonapplicability in EAR Future Land Use Element.	
2005 [Ch. 2005-290 & Ch. 2005-291, ss. 10-12, <u>Laws of Florida</u>]						
144	Added the definition of "financial feasibility."	Creates s. 163.3164(32)		x		
145	<p>(2): Required comprehensive plans to be "financially" rather than "economically" feasible.</p> <p>(3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.</p> <p>(3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates & change in the date</p>	163.3177			(2), (3)(a)5., & (3)(a)6.b.1. - Address in EAR & Capital Improvements Element EAR-based amendments.	CIE

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<p>of construction to be accomplished by ordinance.</p> <p>(3)(a)6.c.: Added oversight & penalty provision for failure to adhere to this section's capital improvements requirements.</p> <p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects selected by the local government to meet its water supply needs.</p> <p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p> <p>(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area. If any listed species present, must ensure adequate provisions to protect them.</p> <p>(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, & use of stewardship credits within a rural land stewardship area.</p> <p>(11)(d)6.j.: Revised to allow open space & agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.</p> <p>(12): Must adopt public school facilities element.</p> <p>(12)(a) & (b): A waiver from providing this element will be allowed under certain circumstances.</p>			<p>x</p> <p>x</p> <p>x</p> <p>x</p> <p>x</p> <p>x</p> <p>x</p>	<p>(6)(c) - Address in EAR & Utilities Element EAR-based amendments.</p> <p>(12) - Address need for new element in EAR & EAR-based amendments.</p> <p>(12)(a) & (b) – If applicable for a local government,</p>	

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	<p>(12)(g): Expanded list of items to include colocation, location of schools proximate to residential areas, & use of schools as emergency shelters.</p> <p>(12)(h): Required local governments to provide maps depicting the general location of new schools & school improvements within future conditions maps.</p> <p>(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.</p> <p>(12)(j): Established penalty for failure to adopt a public school facility element.</p> <p>(13): (New section) Encourages local governments to develop a "community vision," which provides for sustainable growth, recognizes its fiscal constraints, & protects its natural resources.</p> <p>(14): (New section) Encourages local governments to develop a "urban service boundary," which ensures the area is served (or will be served) with adequate public facilities & services over the next 10 years. See s. 163.3184(17).</p>			<p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p>	<p>address waiver in EAR.</p> <p>(12)(h) - Address need for maps in EAR & EAR-based amendments.</p> <p>(13) - Address in EAR & EAR-based amendments.</p> <p>(14) - Address in EAR & EAR-based amendments.</p>	
146	163.31776 is repealed	163.31776 [Now: Repealed]		x		
147	<p>(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.</p> <p>(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.</p> <p>(7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.</p>	163.31777		<p style="text-align: center;">x</p> <p style="text-align: center;">x</p>	(2) - Address in EAR & EAR-based amendments.	New element

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<p>(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:</p> <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition <p>(13)(g)2.: (Section deleted) – It is no longer required that a local government & school board base their plans on consistent population projection & share information regarding planned public school facilities, development & redevelopment & infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.</p> <p>(13)(g)6.a.: [Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.</p> <p>(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(13)(h): (New 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.</p> <p>(15): Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the</p>			<p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p> <p style="text-align: center;">x</p>	<p style="text-align: center;">(13)(g)6.a. – Note in EAR.</p>	

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	<p>local government & the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.</p> <p>(16): (New 2005 section) Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.</p>			x		
150	<p>(17): (New 2005 section) If local government has adopted a community vision & urban service boundary, state & regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p> <p>(18): (New 2005 section) If a municipality has adopted an urban infill & redevelopment area, state & regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p>	163.3184		x		
	<p>(18): (New 2005 section) If a municipality has adopted an urban infill & redevelopment area, state & regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p>			x		
151	<p>(1)(c)1.f.: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances affordable housing units are exempt from this limitation.</p> <p>(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p> <p>(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	163.3187		x		
	<p>(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p>		x			
	<p>(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>		x			
152	<p>(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the EAR whether the</p>	163.3191			(2)(k) – Determine local applicability & address in EAR & EAR-based	New school element if applicable

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	<p>local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l): The EAR must determine whether the local government has met its various water supply requirements, including development of alternative water supply projects.</p> <p>(2)(o): (New 2005 provision) The EAR must evaluate whether its Multimodal Transportation District has achieved the purpose for which it was created.</p> <p>(2)(p): (New 2005 provision) The EAR must assess methodology for impacts on transportation facilities.</p> <p>(10): The EAR-based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.</p>				<p>amendments.</p> <p>(2)(l) – Address in EAR & EAR-based amendments.</p> <p>(2)(p) – Address in EAR & EAR-based amendments.</p>	Utilities/Infrastructure Element
153	<p>(10) New section designating Freeport as a certified community.</p> <p>(11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.</p>	163.3246	x			
2006	[Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, Laws of Florida]					
154	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	163.3162(5)	x	x		
155	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33)	x	x		
156	Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.	163.3177(6)(g)2.			Coastal Management Element	Develop & adopt appropriate policies
157	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area . Ch. 2006-220, LOF.	163.3177(11)(d)6.	x			

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158	Recognizes "extremely-low-income persons" as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.31771(1), (2) and (4)			Housing Element	Include "extremely low income" definition in the element.
159	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans . Ch. 2006-68, LOF.	163.3178(2)(d)		x		
160	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	163.3178(2)(h)			FLUE/Coastal Management Element	Delete out-of-date policy & adopt the new definition
161	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.	163.3178(9)(a)		x		
162	Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.	163.3178(9)(b)		x		
163	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA , and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.	163.3178(2)(c)			FLUE & Coastal Management	Update elements & map
164	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.	163.3180(2)(a)		x		
165	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.	163.3180(12)(a)		x		
166	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c)1.f.		x		

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167	Creates a new section related to electric distribution substations ; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.	163.3208				Amend the Future Land Use Element, land use categories to include criteria for electric distribution substations consistent with Sec. 163.3208, F.S.
168	Creates a new section preventing a local government from requiring a permit or other approval for vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way . Ch. 2006-268, LOF.	163.3209		x		
169	Community Workforce Housing Innovation Pilot Program ; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.			x	Affordable housing is handled through multi-jurisdictional programs.	
170	Affordable housing land donation density incentive bonus ; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.			x		Consider whether to adopt the bonus provisions.

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