

Review of Statutory Changes between 2016 and 2023

The evaluation and appraisal process is designed to address any changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions. Martin County updated its Comprehensive Growth Management Plan (CGMP) on February 2018 based upon an Evaluation and Appraisal Report produced in 2016/2017.

Due to the legislative changes made in 2011 via the Community Planning Act, local governments no longer need to submit evaluation and appraisal reports (EAR) to the Florida Department of Commerce (the State Land Planning Agency) for a sufficiency determination. Instead, local governments must follow these provisions:

At least every seven years, pursuant to Rule Ch. 73C-49, Florida Administrative Code (F.A.C.), Martin County must determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. According to the Evaluation and Appraisal Notification Schedule found on the DEO website, Martin County must make a determination by December 1, 2023.

In addition to the statutory review, Section 1.8 and Objective 2.1B CGMP contain requirements for any EAR report. Below is provided a list of statutory changes that staff must address for each chapter of the Comprehensive Growth Management Plan.

	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
<p>Impact Fees; Short Title; Minimum Requirements: Audits; Challenges (HB 7103) (Chapter 2019-165, section 5)</p> <ul style="list-style-type: none"> • Amends subsection (3) to add minimum conditions that certain impact fees must satisfy • Renumbers existing subsections (4) and (5) as subsections (6) and (7). • Adds a new subsection (4) to require local governments to credit against the collection of an impact fee any contribution related to public education facilities. • Adds subsection (5) so that if a local government increases its impact fee rates then the holder of impact fee credits is entitled to the full benefit of the intensity or density of the credit balance as of the date it was established and renumbers subsequent subsections. • Amends renumbered subsection (7) to provide that in certain actions, the local government has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements and prohibits the court from using a deferential standard for the benefit of the government. • Adds subsection (8) to authorize a local government to provide an exception or waiver for an impact fee for the development or construction of affordable housing, and in doing such is not required to use any revenues to offset the impact. • Adds subsection (9) to clarify that this section does not apply to water and sewer connection fees. 	Section 163.31801, F.S.	Chapter 6: Housing Element	Revised Policy 6.1D.3
<p>Land Use and Development Regulations (SB 1604) (Chapter 2023-31)</p> <ul style="list-style-type: none"> • Comprehensive planning periods extended from 5 to 10 and from 10 to 20 years. • Revised evaluation and appraisal process. • Emphasis of change is ensuring population projections are appropriately high. • Electric substations 	Signed. Effective July 1, 2023.	Chapter 6: Housing Element	Data and Tables have been updated.