

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.

2019 Changes in Ch. 163 Florida Statutes

Chapter 2019-155, section 2, Laws of Florida, Effective July 1, 2019

	2019 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	Electric Transmission and Distribution Line Right-of-way Maintenance (Chapter 2019-155, section 2) • Restricts local government regulation of tree trimming and removal. • Removes language requiring local government approval of a property owner's request for electric utilities to perform certain right-of-way vegetation and tree maintenance.	Section 163.045, F.S. Section 163.3209, F.S.		Review Chapters: 4 Future Land Use, 5 Transportation, 8 Coastal Management and 9 Conservation, CGMP.

2020 Changes in Ch. 163 Florida Statutes

Chapter 2020-2, section 27, Laws of Florida, Effective May 18, 2020

	2020 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	Accessory Dwelling Units (Chapter 2020-27, section 4) Amends subsections (3) and (4) to allow a local government to adopt an ordinance allowing accessory dwelling units to be located in any area zoned for single family residential use and removes the requirement that the ordinance be conditioned upon a finding that there is a shortage of affordable rentals within the jurisdiction.	Section 163.31771, F.S.		Review Chapter 4, Future Land Use Element, CGMP.

2021 Changes in Ch. 163 Florida Statutes

Chapter 2021-7, sections 6 and 7, Laws of Florida, Effective July 1, 2021;

Chapter 2021-178, section 1, Laws of Florida, Effective July 1, 2021

	2021 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	Agricultural Lands and Practices , (Chapter 2021-7, section 6) Reenacts subsection (2)(b) to provide a definition for “Farm operation.”	Section 163.3162, F.S.	Chapter 4	Review Chapters: 2 Overall Goals and Definitions and 4 Future Land Use, CGMP.
2	Applications for Development Permits; Disclosure and Acknowledgement of Contiguous Sustainable Agricultural Land , (Chapter 2021-7, section 7) Reenacts subsection (3)(b) to provide a definition for “Farm operation.”	Section 163.3163, F.S.	Chapter 4	Review Chapters: 2, Overall Goals and Definitions and 4, Future Land Use, CGMP.
3	Solar Facility Approval Process , (Chapter 2021-178, section 1) Creates section 163.3205, F.S., which applies to sites that are subject to an application to construct a solar facility submitted to a local government on, or after, July 1, 2021, to encourage renewable solar electrical generation, define “solar facility”, and set forth an allowance for solar facilities in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts in an unincorporated area.	Section 163.3205, F.S.	- Section 3.100.1 (LDR) - Policy 4.8C.3. Solar farms (CGMP)	Review Chapter 4, Future Land Use, CGMP.

2022 Changes in Ch. 163 Florida Statutes

Chapter 2022-83, section 1, Laws of Florida, Effective July 1, 2022

	2022 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	Floating Solar Facilities, (Chapter 2022-83, section 1) • Creates 163.32051, which provides legislative findings regarding floating solar facilities. • Defines the term “floating solar facility.” • Requires a floating solar facility to be a permitted use in the appropriate land use categories and requires local governments to amend their land development regulations to promote expanded uses of floating solar facilities. • Authorizes a county or municipality to specify buffer and landscaping requirements, which may not exceed the requirements for similar uses involving the construction of other solar facilities permitted in agricultural land use categories and zoning districts. • Provides exceptions to the construction of floating solar facilities in an Everglades Agricultural Area reservoir project if it is determined to have negative impacts on the project.	Section 163.32051, F.S.	N/A	Chapter 4, Future Land Use, CGMP.

2023 Changes in Ch. 163 Florida Statutes

Chapter 2023-17, Laws of Florida, Effective July 1, 2023;
Chapter 2023-31, Laws of Florida, Effective July 1, 2023;

Chapter 2023-169, Laws of Florida, Effective July 1, 2023

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	Housing (SB 102) (Chapter 2023-17) - Amends s.125.0103 and s.166.043 to remove the authority of local government to enact ordinances controlling the price of rents. - Amend s.125.01055(6) and 166.04151(6) to provide that a county or municipality may approve the development of affordable housing, including but not limited to a mixed -use development, on any parcel zoned for commercial or industrial use, so long as at least 10 percent of the housing units in the project are affordable. - This provision is self-executing and does not require the local government to adopt an ordinance or regulation.	Signed. Effective July 1, 2023.		Review Chapters: 4 Future Land Use and 6 Housing, CGMP.
2	Land Use and Development Regulations (SB 1604) (Chapter 2023-31) - 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.		Review Chapters: 2 Overall Goals and Definitions 4 Future Land Use 6 Housing 10 Sanitary Sewer 11 Potable Water 14 Capital Improvements, CGMP.

3	Environmental Protection (HB 1379) (Chapter 2023-169) - Amends ss.163.3177(3)(a) to include that, where applicable, the capital improvements schedule must include a list of projects necessary to achieve the pollutant load reduction attributable to the local government, as established in a basin management action plan pursuant to s.403.067(7). - Amends ss.163.3177(6)(c) to require that the sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element addresses coordinating the treatment or upgrade in treatment of facilities to meet future needs and prioritizing advanced waste treatment for increased capacity. - Creates ss.163.3177(6)(c)(3) to require that in the sanitary sewer, solid waste, drainage, potabewater, and natural groundwater aquifer recharge element, for any development of more than 50 residential lots, built or unbuilt, with more than 1 onsite sewage treatment and disposal system per 1 acre, the element must: - consider the feasibility of providing sanitary sewer services within a 10-year planning horizon; - an onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary; - onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system;	Signed. Effective July 1, 2023.		Review Chapters: 2 Overall Goals and Definitions 4 Future Land Use 10 Sanitary Sewer 11 Potable Water 13 Drainage and Natural Groundwater 14 Capital Improvements, CGMP.
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	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	Environmental Protection (cont'd) (HB 1379) (Chapter 2023-169) ○ identify the name and location of the intended wastewater facility to receive sanitary sewerflows:. ○ after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, inclusive of expected future newconstruction and connections of be updated in the comprehensive plan to include this information by July 1, 2024; and ● these new requirements do not apply to a local government designated as a rural area of opportunity.			