

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 2019-106, section 1, Laws of Florida, Effective July 1, 2019;

Chapter 2019-165, sections 3-7, Laws of Florida, Effective June 28, 2019

	2019 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges (HB 207) (Chapter 2019-106, section 1)</p> <ul style="list-style-type: none"> • Revises the section’s title. • Amends language of paragraphs (a) through (d) of subsection (3) to clarify the local government responsibilities related to impact fees. • Adds new paragraphs (e) through (i) to subsection (3) to amend the minimum requirements for the adoption of impact fees by specified local governments and note restrictions to the allowable uses of those impact fees. • Adds a new subsection (6), which exempts water and sewer connection fees from the Florida Impact Fee Act. 	<p>Section 163.31801, F.S.</p>		<p>Review Chapter 14 Capital Improvements, CGMP.</p>

	2019 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Concurrency (HB7103) (Chapter 2019-165, section 4)</p> <ul style="list-style-type: none"> • Amends subsection (5)(i) to clarify compliance requirements for a mobility fee-based funding system. • Revises subsection (6)(h)2.b. to require a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities and provides the requirements for the basis of that credit. 	Section 163.3180, F.S.		Review Chapters: 5 Transportation 14 Capital Improvements and 17 Public Schools Facilities, CGMP.

	2019 Changes to Ch 163, F.S.	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. 	Section 163.31801, F.S.	<ul style="list-style-type: none"> • Chapter 14 • Article 6, LDR 	Review Chapters: 5 Transportation 14 Capital Improvements and 17 Public Schools Facilities, CGMP.

	2019 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<ul style="list-style-type: none"> • 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. 			

2020 Changes in Ch. 163 Florida Statutes

Chapter 2020-27, sections 4 and 5, Laws of Florida, Effective July 1, 2020;

Chapter 2020-58, section 1, Laws of Florida, Effective July 1, 2020

	2020 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges (HB 1339) (Chapter 2020-27, section 5)</p> <ul style="list-style-type: none"> • Adds subsection (10) and supporting paragraphs (a) through (e) to address the data on impact fee charges that must be reported in an annual financial report by a county, municipality, or special district. 	Section 163.31801, F.S.		Review Chapters: 5 Transportation 14 Capital Improvements and 17 Public Schools Facilities, CGMP.

	2020 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
4	<p>Impact Fees; Short Title; Intent; Minimum Requirements; Audits, Challenges (SB1066) (Chapter 2020-58, section 1)</p> <ul style="list-style-type: none"> • Amends subsection (3)(d) to specify that a new or increased impact fee may not be charged to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing such an impact fee unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant. • Amends subsection (4) to clarify that a local government must provide credit against the collection of an impact fee of any contribution related to public education facilities regardless of any charter provision, comprehensive plan policy, ordinance, or resolution. • Renumbers existing subsections (8) and (9) as subsections (9) and (10). • Adds a new subsection (8) that sets forth the provisions by which impact fee credits are assignable and transferable. 	Section 163.31801, F.S.	Article 6, LDR	Review Chapters: 5 Transportation 14 Capital Improvements and 17 Public Schools Facilities, CGMP.

2021 Changes in Ch. 163 Florida Statutes

Chapter 2021-63, section 1, Laws of Florida, Effective June 4, 2021

	2021 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Impact Fees; Short Title; Intent; Minimum Requirements; Audits; Challenges (HB 337) (Chapter 2021-63, section 1)</p> <ul style="list-style-type: none"> • Adds a new subsection (3) to define “Infrastructure” and “Public facilities.” • Renumbers existing subsections (3) through (11) and rewords existing subsections (3), (5), (6), (8), and (11) for clarity. • Amends existing subsection (4) to provide additional regulations pertaining to impact fee credits. <ul style="list-style-type: none"> ○ Include all facilities (not just education) ○ Increases limited to 50% ○ Increases between 25% and 50% must be spread over four years ○ Prohibits increases to no more than once every 4 years ○ Prohibits retroactive increases • Adds a new subsection (6), which prescribes the circumstances under which impact fees may be increased, sets forth limitations on those fee increases, and notes that this section applies retroactively to January 1, 2021. 	<p>Section 163.31801, F.S.</p>	<ul style="list-style-type: none"> • Chapter 14 	<p>Review Chapters: 2, Overall Goals and Definitions 14, Capital Improvements, CGMP.</p>

2022 Changes in Ch. 163 Florida Statutes

Chapter 2022-122, 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.
	<p>Amending Concurrency, (Chapter 2022-122, section 1)</p> <ul style="list-style-type: none"> • Amends subsection (6)(h)2. To revise provisions specifying when school concurrency is deemed satisfied. • Requires the district school board to notify the local government that capacity is available for development within 30 days after receipt of the developer’s legally binding commitment. • Specifies that any proportionate-share mitigation directed toward a school capacity improvement not identified in the 5-year school board educational facilities plan must be set aside and not spent until such an improvement has been identified. 	<p>Section 163.3180, F.S.</p>		<p>Review Chapters: 14 Capital Improvements and 17 Public Schools, CGMP.</p>

2023 Changes in Ch. 163 Florida Statutes

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.
	<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.		Review Chapters: 2 Overall Goals and Definitions 4 Future Land Use 6 Housing 10 Sanitary Sewer 11 Potable Water 14 Capital Improvements, CGMP.

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Environmental Protection (HB 1379) (Chapter 2023-169)</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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; <ul style="list-style-type: none"> - 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.

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Environmental Protection (cont'd) (HB 1379) (Chapter 2023-169)</p> <ul style="list-style-type: none"> ○ 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. 			