

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.

2016 Changes in Ch. 163 Florida Statutes

Chapter 2016-10, section 13, Laws of Florida, effective May 10, 2016;

Chapter 2016-148, sections 2-4, Laws of Florida, effective July 1, 2016

	2016 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	<p>Required and Optional Elements of Comprehensive Plan; Studies and Surveys (Chapter 2016-10, section 13)</p> <ul style="list-style-type: none"> Removes language in subsection (6)(a)11., requiring local governments to transmit comprehensive plan updates or amendments to address compatibility of lands adjacent to or closely proximate to existing military installations or lands adjacent to an airport to the state land planning agency by June 30, 2012. 	Section 163.3177, F.S.	NA	NA
2	<p>Legislative Findings on Compatibility of Development with Military Installations; Exchange of Information Between Local Governments and Military Installations (Chapter 2016-148, section 2)</p> <ul style="list-style-type: none"> Modifies subsection (7) to state that a representative of a military installation is not required to file a statement of financial interest pursuant to section 112.3145, F.S., solely due to his or her service on the local government's land planning or zoning board. 	Section 163.3175, F.S.	NA	NA

	2016 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
3	<p>Process for Adoption of Comprehensive Plans or Plan Amendments (Chapter 2016-148, section 3)</p> <ul style="list-style-type: none"> Amends language of subsection (2)(c) pursuant to changes in section 380.06, F.S., to require a state coordinated review of plan amendments that approve Development of Regional Impact-sized proposed developments; no substantive change. 	Section 163.3184, F.S.	NA	NA
4	<ul style="list-style-type: none"> Adds subsection (5)(e)3 to provide direction that when an administrative law judge issues an order recommending that a plan amendment be found in compliance, the recommended order becomes the final order 90 days after issuance unless the state land planning agency issues a final order finding the amendment in compliance, refers the recommended order to the Administration Commission, or all parties consent in writing to an extension of the 90-day period. 	Section 163.3184, F.S.	NA	NA

	2016 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
5	<ul style="list-style-type: none"> Amends subsection (7)(d), for plan amendment challenges that are subject to mediation or expeditious resolution, to provide that when an administrative law judge issues a recommended order finding an amendment in compliance, except where the parties agree or there are exceptional circumstances, the state land planning agency must issue a final order within 45 days after issuance of a recommended order. If the final order is not issued in 45 days, the recommended order finding the amendment in compliance becomes the final order. 	Section 163.3184, F.S.	NA	NA
6	<p>Sector Plans (Chapter 2016-148, section 4)</p> <ul style="list-style-type: none"> Modifies subsection (1) to reduce the minimum amount of total land area required for a sector plan from 15,000 acres to 5,000 acres. 	Section 163.3245	NA	NA

2017 Changes in Ch. 163 Florida Statutes

None

2018 Changes in Ch. 163 Florida Statutes

Ch. 2018-34, section 1, Laws of Florida, effective March 19, 2018;

Chapter 2018-158, sections 7, 8, and 21, Laws of Florida, effective April 6, 2018

	2018 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	<p>Florida Local Government Development Agreement Act; Definitions (Chapter 2018-34, section 1)</p> <ul style="list-style-type: none"> Amends the definition of “development” within subsection (4)(b) to exclude work by electric utility providers on utility infrastructure on certain rights-of-way or corridors and the creation or termination of distribution and transmission corridors. 	Section 163.3221, F.S.	Ch. 2.	Review Chapter 2, Overall Goals and Definitions, CGMP.
2	<p>Sector Plans (Chapter 2018-158, section 7)</p> <ul style="list-style-type: none"> Updates statutory cross references within subsection (3)(e) and subsection (12). Revises subsection (6) to amend the requirements associated with a master development approval. 	Section 163.3245, F.S.	NA	NA
3	<p>Local Government Comprehensive Planning Certification Program (Chapter 2018-158, section 8, Laws of Florida)</p> <ul style="list-style-type: none"> Updates the Local Government Comprehensive Planning Certification Program to modify language of subsections (11), (12), and (14) referencing Developments of Regional Impact. 	Section 163.3246, F.S.	NA	NA

	2018 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
4	Community Planning Act; Definitions (Chapter 2018-158, section 21) <ul style="list-style-type: none"> • Renumbers existing subsections (31) through (51) as (32) through (52) and adds a new subsection (31) to define “master development plan” or “master plan”. 	Section 163.3164, F.S.		Review Chapter 2, Overall Goals and Definitions, CGMP.

2019 Changes in Ch. 163 Florida Statutes

Chapter 2019-3, section 31, Laws of Florida, Effective July 3, 2019;

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

Chapter 2019-144, section 1, Laws of Florida, Effective July 1, 2019;

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

Chapter 2019-157, 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.
1	<p>Required and Optional Elements of Comprehensive Plan; Studies and Surveys (Chapter 2019-3, section 31)</p> <ul style="list-style-type: none"> • Updates statutory reference related to affordable workforce housing within subsection (6)(f). 	Section 163.3177, F.S.	Chapter 6 has statutory references to 6(f).	Review Chapters: 6, Housing Element and 2, Overall Goals and Definitions, CGMP.
2	<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. 	Section 163.31801, F.S.		Review Chapter 14 Capital Improvements, CGMP.

	2019 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
3	<p>Legislative Findings on Compatibility of Development with Military Installations; Exchange of Information Between Local Governments and Military Installations (Chapter 2019-144, section 1)</p> <ul style="list-style-type: none"> • Redesignates existing paragraphs (i) through (n) of subsection (2) as paragraphs (j) through (o). • Adds new paragraphs (i) and (p) to subsection (2) to specify additional local governments that must coordinate with certain military installations regarding the compatibility of land development. 	Section 163.3175, F.S.	NA	NA
4	<p>Electric Transmission and Distribution Line Right-of-way Maintenance (Chapter 2019-155, section 2)</p> <ul style="list-style-type: none"> • 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.
5	<p>Process for Adoption of Small-Scale Comprehensive Plan Amendment (Chapter 2019-157, section 1)</p> <ul style="list-style-type: none"> • Removes subsection (1)(b), which specified the cumulative annual acreage maximum of adopted small-scale comprehensive plan amendments. 	Section 163.3187, F.S.		NA

	2019 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
6	<p>Scope of Act (HB7103) (Chapter 2019-165, section 3)</p> <ul style="list-style-type: none"> Amends subsection (3) to require local governments that have adopted comprehensive plans after January 1, 2019 to incorporate into their comprehensive plans development orders that existed before the comprehensive plan's effective date. 	Section 163.3167, F.S.	Refers to municipalities establishing comprehensive plans after incorporation.	NA
7	<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.
8	<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. 			
9	<p>Land Development Regulations (Chapter 2019-165, section 6)</p> <ul style="list-style-type: none"> • Adds paragraph (j) to subsection (2) to require preexisting development orders to be incorporated into local land development regulations. 	Section 163.3202, F.S.		NA Related to item 6 above and applicable to municipalities.
10	<p>Standing to Enforce Local Comprehensive Plans through Development Orders (Chapter 2019-165, section 7)</p> <ul style="list-style-type: none"> • Amends subsection (8)(a) to provide that either party is entitled to a certain summary procedure in certain court proceedings. • Adds subsection (8)(b) clarifying how a court may find a summary procedure does not apply. • Adds subsection (8)(c), which provides that a prevailing party in a challenge to certain development orders can be entitled to recover certain fees and costs. 	Section 163.3215, F.S.	<ul style="list-style-type: none"> • Section 1.12.D (CGMP) • Section 7.14 (LDR) 	Review Chapters: 1 Preamble and 2 Overall Goals and Definitions, CGMP.

2020 Changes in Ch. 163 Florida Statutes

Chapter 2020-2, section 27, Laws of Florida, Effective May 18, 2020;
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;
Chapter 2020-122, section 2, Laws of Florida, Effective July 1, 2020;
Chapter 2020-150, section 28, Laws of Florida, Effective July 1, 2021

	2020 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
1	<p>Coastal Management (Chapter 2020-2, section 27)</p> <ul style="list-style-type: none"> Amends subsection (2)(k) to update statutory references. Revises paragraphs (b) and (c) within subsection (8) to remove outdated deadlines. 	Section 163.3178, F.S.		Review Chapter 8, Coastal Management, CGMP
2	<p>Accessory Dwelling Units (Chapter 2020-27, section 4)</p> <ul style="list-style-type: none"> 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.
3	<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.

	2020 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
5	<p>Planning Innovations and Technical Assistance (Chapter 2020-122, section 2)</p> <ul style="list-style-type: none"> Adds subsection (4) providing guidance to the state land planning agency when selecting applications for technical assistance funding to give preference to counties with a population of 200,000 or less, and to municipalities located within such counties, in determining whether the area in and around a proposed multiuse corridor interchange as described in section 338.2278, F.S., contains appropriate land uses and protections and aiding in amending a comprehensive plan to provide such appropriate land uses and protections. 	Section 163.3168, F.S.	NA	NA
6	<p>Concurrency (Chapter 2020-150, section 28)</p> <ul style="list-style-type: none"> Amends subsection (2) to alter the governmental entity that approves onsite sewage treatment and disposal systems from the Department of Health to the Department of Environmental Protection. 	Section 163.3180, F.S.	Chapter 10	Review Chapter 10, Sanitary Sewer Services, CGMP.

2021 Changes in Ch. 163 Florida Statutes

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

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

Chapter 2021-161, section 1, Laws of Florida, Effective July 1, 2021;

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

Chapter 2021-186, section 1, Laws of Florida, Effective July 1, 2021;

Chapter 2021-195, sections 1-3, Laws of Florida, Effective July 1, 2021;

Chapter 2021-201, section 1, Laws of Florida, Effective July 1, 2021;

Chapter 2021-206, sections 1 and 3, 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	<p>Agricultural Lands and Practices, (Chapter 2021-7, section 6)</p> <ul style="list-style-type: none"> • 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	<p>Applications for Development Permits; Disclosure and Acknowledgement of Contiguous Sustainable Agricultural Land, (Chapter 2021-7, section 7)</p> <ul style="list-style-type: none"> • 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.

	2021 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
3	<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. 	Section 163.31801, F.S.	<ul style="list-style-type: none"> • Chapter 14 	Review Chapters: 2, Overall Goals and Definitions 14, Capital Improvements, CGMP.

	2021 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
4	<p>Planning Innovations and Technical Assistance (Chapter 2021-161, section 1 and Chapter 2021-186, section 1)</p> <ul style="list-style-type: none"> Repeals existing subsection (4) that directed the state land planning agency to give preference when selecting applications for funding for technical assistance to counties with a population of 200,000 or less, and to municipalities within those counties, for assistance in determining whether the area in and around a proposed multiuse corridor interchange contains appropriate land uses and natural resource protections and amending a comprehensive plan to provide for such land uses and protections. 	Section 163.3168, F.S.	NA	NA
5	<p>Solar Facility Approval Process, (Chapter 2021-178, section 1)</p> <ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> Section 3.100.1 (LDR) Policy 4.8C.3. Solar farms (CGMP) 	Review Chapter 4, Future Land Use, CGMP.

	2021 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
6	<p>Scope of Act (Chapter 2021-195, section 1)</p> <ul style="list-style-type: none"> Amends subsection (3) to clarify that requirements pertaining to development orders and their incorporation and interaction with comprehensive plans are specifically related to plans for municipalities incorporated after January 1, 2016. 	Section 163.3167, F.S.		NA
7	<p>Required and Optional Elements of Comprehensive Plan; Studies and Surveys (Chapter 2021-195, section 2)</p> <ul style="list-style-type: none"> Adds subsection (6)(i) which requires each local government to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making. The statute also provides a statement of rights local governments may adopt in order to meet these requirements. 	Section 163.3177, F.S.	Chapter 19, CGMP.	NA Completed November 16, 2021.
8	<p>Amendment or Cancellation of a Development Agreement (Chapter 2021-195, section 3)</p> <ul style="list-style-type: none"> Amends this section to allow a party to a development agreement and a local government to amend or cancel a development agreement without consent of other affected property owners unless the amendment or cancellation will modify the allowable uses or entitlements on such owner's property. 	Section 163.3237, F.S.	<ul style="list-style-type: none"> Section 1.12 (CGMP) Section 7.14 (LDR) 	Review Chapter 1, Preamble, CGMP.

	2021 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
9	<p>Land Development Regulations (Chapter 2021-201, section 1)</p> <ul style="list-style-type: none"> • Adds new subsection (5) to specify that land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling except under certain listed conditions. 	Section 163.3202, F.S.	Chapter 18, CGMP Article 12, LDR	Review Chapter 18, Community Redevelopment, CGMP.
10	<p>Scope of Act (Chapter 2021-206, section 1)</p> <ul style="list-style-type: none"> • Revises subsection (5) to allow landowners with a development order approved before the municipality was incorporated to abandon said development order and develop the order's vested density and intensity as long as the vested uses, density, and intensity are consistent with the municipality's comprehensive plan and all existing concurrency obligations in the development order remain in effect. 	Section 163.3167, F.S.		NA
11	<p>Process for Adoption of Small-Scale Comprehensive Plan Amendment (Chapter 2021-206, section 3)</p> <ul style="list-style-type: none"> • Amends subsection (1)(a) to increase the small-scale development amendment limit to 50 acres or fewer • Revises subsection (3) pertaining to small-scale development amendments for sites within a rural area of opportunity to allow a 100 percent increase to the 50-acre acreage limit now included in subsection (1)(a).. 	Section 163.3187, F.S.		NA

2022 Changes in Ch. 163 Florida Statutes

2022: [Chapter 2022-83, section 1, Laws of Florida, Effective July 1, 2022; Chapter 2022-122, section 1, Laws of Florida, Effective July 1, 2022; Chapter 2022-183, section 5, Laws of Florida, Effective July 1, 2022; Chapter 2022-204, section 2, 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	<p>Floating Solar Facilities, (Chapter 2022-83, section 1)</p> <ul style="list-style-type: none"> • 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.

	2022 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
2	<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. 	Section 163.3180, F.S.		Review Chapters: 14 Capital Improvements and 17 Public Schools, CGMP.
3	<p>Updating Military Base Names, (Chapter 2022-183, section 5)</p> <ul style="list-style-type: none"> Amends paragraph (n) subsection (2) to update two military base names to Patrick Space Force Base and Cape Canaveral Space Force Station, associated with Brevard County and Satellite Beach. 	Section 163.3175, F.S.		N/A
4	<p>Coastal Management, (Chapter 2022-204, section 2)</p> <ul style="list-style-type: none"> Reenacts Subsections (2)(k), (5), and (6) to incorporate the amendment made to Section 311.09 by Chapter 2022-204, Laws of Florida, adding Putnam County to the Florida Seaport Transportation and Economic Development Council. 	Section 163.3178, F.S.		N/A

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	<p>Housing (SB 102) (Chapter 2023-17)</p> <ul style="list-style-type: none"> • 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	<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.
3	<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. 			
4	<p>Natural Emergencies (SB 250) (Chapter 2023-304)</p> <ul style="list-style-type: none"> ● Municipalities cannot prohibit a resident from placing a temporary residential structure on their property for 36 months following a natural emergency. ● Increase the extension of specified permits following natural emergencies. 	Signed. Effective July 1, 2023.	Section 3.201.C.1.f, LDR	Review Chapter 8, Coastal Management, CGMP.
5	<p>Local Government (SB 718) (Chapter 2023-305)</p> <ul style="list-style-type: none"> ● Defines annexation “Feasibility study” ● Municipal contraction 	Signed. Effective July 1, 2023.		Review Chapter 2, Overall Goals and Definitions, CGMP.

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
6	<p>Local Government Comprehensive Plans (SB 540) (Chapter 2023-115)</p> <ul style="list-style-type: none"> • Prevailing party in adm challenge collects attorney fees. • LDRs do not apply to the Florida College System institutions. • Resolve a split among Florida district courts of appeal by clarifying that the scope of review for a challenge to a local government decision to grant or deny a development order is limited to whether the development order would materially alter the use, density, or intensity of a property in a manner not consistent with the comprehensive plan. 	Signed. Effective July 1, 2023.		Review Chapters: 1 Preamble and 2, Overall Goals and Definitions, CGMP.

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
7	<p>Rural Development (HB 1209) (Chapter 2023-202)</p> <ul style="list-style-type: none"> • Removes broadband improvements • Removes requirement of projects being related to specific job creation or retention opportunities • (h) If the agency agreement provides federal or state financial assistance to a county or municipality that is a rural community or rural area of opportunity as those terms are defined in s. 288.0656(2), a provision allowing the agency to provide for the payment of invoices to the county, municipality, or rural area of opportunity as that term is defined in s. 288.0656(2), for verified and eligible performance that has been completed in accordance with the terms and conditions set forth in the agreement. • up to 100 percent of the total infrastructure project cost for a project located in a rural community as defined in s. 288.0656(2) which is also located in a fiscally constrained county as defined in s. 218.67(1) or a rural area of opportunity as defined in s. 288.0656(2) 	Signed. Effective July 1, 2023.		NA
8	<p>Flooding and Sea Level Rise Vulnerability Studies (HB 111) (Chapter 2023-231)</p> <ul style="list-style-type: none"> • Renumbers paragraph (b) of subsection (3) of F.S. section 380.093 • Creates section 380.0937 - Public financing of construction projects within areas at risk due to sea level rise. 	Signed. Effective July 1, 2023.		Review Chapters: 8 Coastal Management, and 9 Conservation, CGMP.

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
9	<p>Department of Transportation (HB 1305) (Chapter 2023-70)</p> <ul style="list-style-type: none"> • Amends Subsection (3) of section 215.616, F.S. to allow the term of state bonds for federal aid highway construction to be 18 years. • Amends Subsection (6) of section 288.9606, F.S. to allow a corporation to use its bond proceeds to finance; and adds paragraph (d) to subsection (7) related to private entities financing the cost of acquisition or construction of a transportation facility. • Amends Subsection (6) of section 311.101, F.S. to allow the FDOT to provide 100% of intermodal logistics center infrastructure projects in eligible rural areas. • Adds subsection (2) to section 316.0777, F.S. related to automated license plate recognition systems; identifies “law enforcement agency”; identifies where and when such systems may be installed; and identifies responsible entity. • Renumbers Subsections (2), (3), and (4) of section 316.0777, F.S. as subsections (3), (4), and (5), respectively • Amends Subsection (7) of section 330.27, F.S. to clarify the meaning of “temporary airport” • Amends subsection (1), paragraphs (a) and (c) of subsection (2), and paragraph (e) of subsection (3) of section 330.30, F.S., which address approval of airport sites and the registration and licensure of airports • Adds Subsection (10) to section 332.007, F.S. to allow for the FDOT to fund 100% of eligible project costs at a publicly owned and operated airport without scheduled commercial service located in a rural community. 	Signed. Effective July 1, 2023.		Review Chapter 5, Transportaion, CGMP

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Department of Transportation (cont'd) (HB 1305) (Chapter 2023-70)</p> <ul style="list-style-type: none"> • Amends subsection (5) of section 334.044, F.S. to include powers and duties for electric vehicles use / charging stations and autonomous vehicles and context design for both. • Adds subsection (36) to section 334.044 to allow funding for trainin, testing, and licensing for full-time employees required o have a valid Class A or Class B commercial drivers license as condition of employment • Amends Section 337.025, F.S. to exclude low-bid design-build milling and resurfacing projects from eligible innovative techniques of highway and bridge design, construction, maintenance, and finance projects • Amends Paragraph (c) of subsection (6) and subsection (7) of section 337.11, F.S. to increase the amount of construction contracts that do not need to be advertised and competitively bid and to set terms for design-build contracts, respectively. • Amends Paragraph (i) of subsection (6) of section 339.175, F.S. to require certain MPOs to submit feasibility reports for consolidation with other contiguous MPOs. • Amends Subsection (1) of section 341.052, F.S. to address eligibility of public transit block grant program to Section 9 and Section 18 providers. 			

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Department of Transportation (cont'd) (HB 1305) (Chapter 2023-70)</p> <ul style="list-style-type: none"> • Amends Paragraph (a) of subsection (1) of section 341.061, F.S. to assign the required transit safety standards to fixed-guideway systems located within locally-created independent special district having boundaries within two contiguous counties; requires the FDOT to conduct inspections of . fixed-guideway systems that are raised or have bridges. • Amends Subsections (2) and (3) of section 341.071, F.S. to address transit productivity and performance measures related to farebox recovery ratio and where the productivity and performance measures are published, respectively. • Adds subsection (5) to section 189.072, F.S. related to dissolution of an independent special district. 			

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
10	<p>Florida Shared-Use Nonmotorized (SUN) Trail Network (SB 106) (Chapter 2023-20)</p> <ul style="list-style-type: none"> • Amends Section 260.014, F.S. to allow the FDOT to establish a program to recognize local communities as trail towns. • Amends subsections (1) and (4) of section 260.0142, F.S. to change the number, composition, and duties of the members of the Greenways and Trails Council. • Amends paragraph (d) of subsection (2) of section 260.016, F.S. to include prioritization of regionally significant trails. • Amends Subsection (4) of section 288.1226, F.S. to change the number and composition of the members of the Florida Tourism Industry Marketing Corporation. • Amends Paragraph (c) of subsection (4) of section 288.923, F.S. to include the promotion of the Greenways and Trails System and the Shared-Use Nonmotorized Trail Network, coordination with the FDEP, and promotion of heritage tourism as part of the Division of Tourism Marketing’s required 4-year marketing plan. • Amends Paragraph (a) of subsection (4) of section 320.072, F.S. to increase the amount of moneys used for the Shared-Use Nonmotorized Trail Network from \$25M to \$50M. • Amends Paragraph (a) of subsection (4) of section 335.065, F.S. to prioritize funding for regionally significant trails prioritized by or identified as critical linkage and trail connectedness by the Greenways and Trails Council. 	Signed. Effective July 1, 2023.		Review Chapter 5, Transportation, CGMP.

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Florida Shared-Use Nonmotorized (SUN) Trail Network (cont'd) (SB 106) (Chapter 2023-20)</p> <ul style="list-style-type: none"> • Amends Paragraph (d) of subsection (7) of section 339.175, F.S. to have MPOs include trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network in their Long Range Transportation Plans. • Amends Section 339.81, F.S. to restate the importance of, to include the wildlife corridor as part of, and to include network components that connect to it a part of the SUN Trail; to restates funding priorities and to establish reporting and coordination criteria for the SUN Trail. • Provides \$200 million as fixed capital outlay in FY23-24 to plan, design, and construct projects on the SUN Trail Network without deleting, deferring, delaying, or otherwise revising SUN-Trail projects programmed in the Department of Transportation's tentative 5-Year work program for Fiscal Year 2023-2024 through 2027-2028. 			

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
11	<p>HB 425 Transportation (HB 425) (Chapter 2023-197)</p> <ul style="list-style-type: none"> • Amends subsection (1) of section 316.126, F.S. and republishes subsection (6) to include disable motor vehicles in the list of vehicles where a motorist is required to vacate the closest lane or slow to 20 MPH less than posted speed. • Reenacts paragraph (d) of subsection (2) of section 318.18 F.S. to incorporate the amendment above. • Creates Section 316.83, F.S. to establish autonomous vehicle grading standards. • Amends Subsection (2) of section 333.03, F.S. to clarify what criteria should be considered when adopting new airport zoning regulations as they relate to landfills and incompatible uses established in FAA-accepted noise studies. • Amends Subsection (35) of section 334.044, F.S. to clarify the FDOT's power to provide projects. • Creates Section 334.066, F.S. to establish Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) program within University of Florida with an advisory board to: <ul style="list-style-type: none"> ○ Conduct and facilitate research related to innovative transportation mobility and safety technology development and deployment: ○ Be a resource for legislature, FDOT, local govts, MPOs, and private sector: ○ Promote intercampus activities; and ○ Annually report goals and status. 	Signed. Effective July 1, 2023.		Review Chapter 5, Transportation, CGMP.

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>HB 425 Transportation (cont'd) (HB 425) (Chapter 2023-197)</p> <ul style="list-style-type: none"> • Amends Section 334.179, F.S. to prohibit someone from misrepresenting an aggregate is certified for use • Creates Section 334.181, F.S. to require local govts to accept electronic proof of delivery of materials on its transportation project. • Adds subsections (15), (16), and (17) to section 337.11, F.S. to require FDOT construction or maintenance contracts over navigable waterways to include marine general liability insurance, to require the FDOT statagize and record its efforts to reduce project costs, and to allow the FDOT to share up to 10% of its cost savings with its consultant; renumbers subsections (15) and (16) • Amends Subsection (1) of section 337.1101, F.S. regarding the resolution of protest of contract award • Amends Subsections (1) and (4) of section 337.14, F.S. regarding the anticipated construction costs of certain qualifying applicants and the expiration of existing certificates of qualification. • Amends Subsection (2) of section 337.168 F.S. to remove the exemption of potential bidders from the provisions of public records. • Amends Subsection (3) of section 337.408, F.S. related to news racks in a local municipality or County right-of-way. • Amends Paragraph (a) of subsection (1) of section 338.223, F.S. to address the timing of legislative approval of a proposed turnpike project. 			<p style="text-align: right;">Page 33 of 36</p>

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>HB 425 Transportation (cont'd) (HB 425) (Chapter 2023-197)</p> <ul style="list-style-type: none"> • Amends paragraph (a) of subsection (2), subsection (6), paragraphs (a) and (b) of subsection (7), paragraphs (a) and (c) of subsection (8), and paragraph (c) of subsection (11) and adds paragraph (d) to subsection (11) of section 339.175, F.S. to: require cooperation among MPOs where more than one exists in an urbanized area; prohibit an MPO from producing or delivering capital projects on the State Highway System; and require an MPO to consider projects that improve the resilience of transportation infrastructure in its long range planing. • Creates Section 339.651, F.S. to address the funding, movement, and storage of construction aggregates in its transportation plans • Creates Section 339.84, F.S. to fund and promote career paths in Florida's road and bridge industry. • Amends Section 354.01, F.S. related to special officers assigned for the protection and safety of railroads. • Amends Section 354.02, F.S. related to the powers of the special officer • Amends Section 354.05, F.S. related to the term of office for a special officer • Amends Paragraph (f) of subsection (1) of section 784.07, F.S. related to the assault or battery of a special officer. • Amends Subsections (1) and (4) of section 943.10, F.S. to include special officer in the definitions. 			

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<p>Challenges to Local Ordinances (SB 170) (Chapter 2023-309)</p> <ul style="list-style-type: none"> • Chapter 125.66 (3)(a) requires BCC to prepare a business impact estimate and it must be posted on the County website. Does not apply to ordinances relating to Part II of Chapter 163 relating to growth policy, county and municipal planning, and land development agreements, and development permits. • Chapter 125.675(5) This section (5) does not apply to Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits; The preceding sections have the following exemption. <p>(5) This section does not apply to:</p> <ul style="list-style-type: none"> (a) Ordinances required for compliance with federal or state law or regulation; (b) Ordinances relating to the issuance or refinancing of debt; (c) Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget; (d) Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county government; (e) Emergency ordinances; (f) Ordinances relating to procurement; or (g) Ordinances enacted to implement the following: 	NA		NA

	2023 Changes to Ch 163, F.S.	Ch. 163, Florida Statutes Citations	Addressed (where/how)	Amendment Needed by Element.
	<ol style="list-style-type: none"> 1. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits; 2. Sections 190.005 and 190.046; 3. Section 553.73, relating to the Florida Building Code; or 4. Section 633.202, relating to the Florida Fire Prevention Code. 			