CHAPTER 2015-69

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1094

An act relating to the peril of flood; amending s. 163.3178, F.S.; specifying requirements for the coastal management element required for a local government comprehensive plan; creating s. 472.0366, F.S.; defining terms; requiring a surveyor and mapper to submit a copy of each elevation certificate that he or she completes to the Division of Emergency Management within a specified period beginning on a specified date; authorizing the redaction of certain personal information from the copy; amending s. 627.715, F.S.; authorizing flexible flood insurance; specifying coverage requirements; deleting a provision that prohibits supplemental flood insurance from including excess coverage over any other insurance covering the peril of flood; revising the information that must be prominently noted on a certain page of a flood insurance policy; requiring the Office of Insurance Regulation to require an insurer to provide an appropriate credit or refund to affected insureds if the office determines that a rate of the insurer is excessive or unfairly discriminatory; revising the notice that must be provided to and acknowledged by an applicant for flood coverage from an authorized or surplus lines insurer if the applicant's property is receiving flood insurance under the National Flood Insurance Program; allowing an authorized insurer to request a certification from the office which indicates that a policy, contract, or endorsement issued by the insurer provides coverage for the peril of flood which equals or exceeds the flood coverage offered by the National Flood Insurance Program; specifying requirements for such certification; authorizing such insurer or its agent to reference or include the certification in specified advertising, communications, and documentation; providing that misrepresenting that a flood policy, contract, or endorsement is certified is an unfair or deceptive act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) of subsection (2) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(f) A redevelopment component <u>that</u> ~~which~~ outlines the principles <u>that must</u> ~~which shall~~ be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. <u>The component must:</u>

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

Section 2. Section 472.0366, Florida Statutes, is created to read:

472.0366 Elevation certificates; requirements for surveyors and mappers.—

(1) As used in this section, the term:

(a) "Division" means the Division of Emergency Management established within the Executive Office of the Governor under s. 14.2016.

(b) "Elevation certificate" means the certificate used to demonstrate the elevation of property which has been developed by the Federal Emergency Management Agency pursuant to federal floodplain management regulation and which is completed by a surveyor and mapper.

(2) Beginning January 1, 2017, a surveyor and mapper shall, within 30 days after completion, submit to the division a copy of each elevation certificate that he or she completes. The copy must be unaltered, except that the surveyor and mapper may redact the name of the property owner.

Section 3. Section 627.715, Florida Statutes, is amended to read:

627.715 Flood insurance.—An authorized insurer may issue an insurance policy, contract, or endorsement providing personal lines residential

coverage for the peril of flood on any structure or the contents of personal property contained therein, subject to this section. This section does not apply to commercial lines residential or commercial lines nonresidential coverage for the peril of flood. This section also does not apply to coverage for the peril of flood that is excess coverage over any other insurance covering the peril of flood. An insurer may issue flood insurance policies, contracts, or endorsements on a standard, preferred, customized, or supplemental basis.

(1)(a)1. Standard flood insurance must cover only losses from the peril of flood, as defined in paragraph (b), equivalent to that provided under a standard flood insurance policy under the National Flood Insurance Program. Standard flood insurance issued under this section must provide the same coverage, including deductibles and adjustment of losses, as that provided under a standard flood insurance policy under the National Flood Insurance Program.

2. Preferred flood insurance must include the same coverage as standard flood insurance but:

a. Include, within the definition of "flood," losses from water intrusion originating from outside the structure that are not otherwise covered under the definition of "flood" provided in paragraph (b).

b. Include coverage for additional living expenses.

c. Require that any loss under personal property or contents coverage that is repaired or replaced be adjusted only on the basis of replacement costs up to the policy limits.

3. Customized flood insurance must include coverage that is broader than the coverage provided under standard flood insurance.

4. Flexible flood insurance must cover losses from the peril of flood, as defined in paragraph (b), and may also include coverage for losses from water intrusion originating from outside the structure which is not otherwise covered by the definition of flood. Flexible flood insurance must include one or more of the following provisions:

a. An agreement between the insurer and the insured that the flood coverage is in a specified amount, such as coverage that is limited to the total amount of each outstanding mortgage applicable to the covered property.

b. A requirement for a deductible in an amount authorized under s. 627.701, including a deductible in an amount authorized for hurricanes.

c. A requirement that flood loss to a dwelling be adjusted in accordance with s. 627.7011(3) or adjusted only on the basis of the actual cash value of the property.

d. A restriction limiting flood coverage to the principal building defined in the policy.

e. A provision including or excluding coverage for additional living expenses.

f. A provision excluding coverage for personal property or contents as to the peril of flood.

5.~~4.~~ Supplemental flood insurance may provide coverage designed to supplement a flood policy obtained from the National Flood Insurance Program or from an insurer issuing standard or preferred flood insurance pursuant to this section. Supplemental flood insurance may provide, but need not be limited to, coverage for jewelry, art, deductibles, and additional living expenses. ~~Supplemental flood insurance does not include coverage for the peril of flood that is excess coverage over any other insurance covering the peril of flood.~~

(b) "Flood" means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties, at least one of which is the policyholder's property, from:

1. Overflow of inland or tidal waters;

2. Unusual and rapid accumulation or runoff of surface waters from any source;

3. Mudflow; or

4. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined in this paragraph.

(2) ~~Any limitations on~~ Flood coverage deductibles and ~~or~~ policy limits pursuant to this section~~, including, but not limited to, deductibles,~~ must be prominently noted on the policy declarations page or face page.

(3)(a) An insurer may establish and use flood coverage rates in accordance with the rate standards provided in s. 627.062.

(b) For flood coverage rates filed with the office before October 1, 2019, the insurer may also establish and use such rates in accordance with the rates, rating schedules, or rating manuals filed by the insurer with the office which allow the insurer a reasonable rate of return on flood coverage written in this state. Flood coverage rates established pursuant to this paragraph are not subject to s. 627.062(2)(a) and (f). An insurer shall notify the office of any change to such rates within 30 days after the effective date of the change. The notice must include the name of the insurer and the average statewide percentage change in rates. Actuarial data with regard to such rates for flood coverage must be maintained by the insurer for 2 years after the effective date of such rate change and is subject to examination by the office. The office may require the insurer to incur the costs associated with an examination.

Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in s. 627.062(2)(b), (c), and (d), and the standards in s. 627.062(2)(e), to determine if the rate is excessive, inadequate, or unfairly discriminatory. If the office determines that a rate is excessive or unfairly discriminatory, the office shall require the insurer to provide appropriate credit to affected insureds or an appropriate refund to affected insureds who no longer receive coverage from the insurer.

(4) A surplus lines agent may export a contract or endorsement providing flood coverage to an eligible surplus lines insurer without making a diligent effort to seek such coverage from three or more authorized insurers under s. 626.916(1)(a). This subsection expires July 1, 2017.

(5) In addition to any other applicable requirements, an insurer providing flood coverage in this state must:

(a) Notify the office at least 30 days before writing flood insurance in this state; and

(b) File a plan of operation and financial projections or revisions to such plan, as applicable, with the office.

(6) Citizens Property Insurance Corporation may not provide insurance for the peril of flood.

(7) The Florida Hurricane Catastrophe Fund may not provide reimbursement for losses proximately caused by the peril of flood, including losses that occur during a covered event as defined in s. 215.555(2)(b).

(8) An agent must, upon receiving ~~obtaining~~ an application for flood coverage from an authorized or surplus lines insurer for a property receiving flood insurance under the National Flood Insurance Program, ~~must~~ obtain an acknowledgment signed by the applicant before placing the coverage with the authorized or surplus lines insurer. The acknowledgment must notify the applicant that, if the applicant discontinues coverage under the National Flood Insurance Program which is provided at a subsidized rate, the full risk rate for flood insurance may apply to the property if the applicant ~~such insurance is~~ later seeks to reinstate coverage ~~obtained~~ under the ~~National Flood Insurance~~ program.

(9) With respect to the regulation of flood coverage written in this state by authorized insurers, this section supersedes any other provision in the Florida Insurance Code in the event of a conflict.

(10) If federal law or rule requires a certification by a state insurance regulatory official as a condition of qualifying for private flood insurance or disaster assistance, the Commissioner of Insurance Regulation may provide the certification, and such certification is not subject to review under chapter 120.

(11)(a) An authorized insurer offering flood insurance may request the office to certify that a policy, contract, or endorsement provides coverage for the peril of flood which equals or exceeds the flood coverage offered by the National Flood Insurance Program. To be eligible for certification, such policy, contract, or endorsement must contain a provision stating that it meets the private flood insurance requirements specified in 42 U.S.C. s. 4012a(b) and may not contain any provision that is not in compliance with 42 U.S.C. s. 4012a(b).

(b) The authorized insurer or its agent may reference or include a certification under paragraph (a) in advertising or communications with an agent, a lending institution, an insured, or a potential insured only for a policy, contract, or endorsement that is certified under this subsection. The authorized insurer may include a statement that notifies an insured of the certification on the declarations page or other policy documentation related to flood coverage certified under this subsection.

(c) An insurer or agent who knowingly misrepresents that a flood policy, contract, or endorsement is certified under this subsection commits an unfair or deceptive act under s. 626.9541.

Section 4. This act shall take effect July 1, 2015.

Approved by the Governor May 21, 2015.

Filed in Office Secretary of State May 21, 2015.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

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2012: Chapters 2012-5, 2012-75, 2012-83, 2012-90, 2012-96 and 2012-99, Laws of Florida 47

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Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

1986: [Chapter 86-191, sections 7 – 12 and 18 - 31, Laws of Florida]

1. Section 163.3177(6)(c)
    - 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 and Natural Groundwater Aquifer Recharge Element, by striking section 163.3177(3)(a)4., and adding the last sentence to section 163.3177(6)(c).
2. Section 163.3177(6)(a)
    - A Future Land Use Element must have "goals, policies, and measurable objectives," rather than "measurable goals, objectives, and policies."
3. Section 163.3177(9)(c)
    - Eliminated the 12-month delay for consistency with the comprehensive regional policy plans.
4. Section 163.3177(10)
    - Approved Rule Chapter 9J-5, Florida Administrative Code.
    - Defined "consistency," "compatible with," and "furthers."
    - Required each local government to review and address all State Comprehensive Plan provisions relevant to that jurisdiction.
    - Support data shall not be subject to the compliance review process, but that goals and 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.
    - Recognized that local governments are charged with setting level-of-service standards.
    - Public facilities and services needed to support development shall be available concurrent with the impacts of development.
    - Established the "shield" against rule challenges to Chapter 9J-5 until July 1, 1987.
5. Section 163.3178(2)(k)
    - 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," and provided for sanctions for deepwater ports which are not part of a local government and which fail to submit their comprehensive master plan.
6. Section 163.3184
    - Substantially reworded section 163.3184, "Process for adoption of comprehensive plan or amendment thereto".
7. Section 163.3187(1)(b)
    - Exempted Florida Quality Developments from the twice-a-year limitation on adoption of plan amendments.
8. Section 163.3187(1)(c)

- Exempted small scale amendments from the twice-a-year limitation on adoption of plan amendments.

9. Section 163.3191(1) & (4)
    - Required the local government's evaluation and appraisal report to be transmitted to the state land planning agency, and 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 evaluation and appraisal report plan amendments, rather than the entire plan as amended, to the state land planning agency.
10. Section 163.3202(2)(g)
    - Delayed implementation of concurrency until 1 year after due date for submittal of the comprehensive plan.
11. Section 163.3220-.3243 (2014)
    - Initial adoption of the Florida Local Government Development Agreement Act.

1987 [Chapter 87-224, sections 24, 25 and 26 (Reviser's bill) and Chapter 87-338, Laws of Florida]

1. Section 163.3167(2) (2014)
    - Extended date for the state land planning agency to adopt a schedule for submittal of local comprehensive plans from October 1, 1986, to October 1, 1987, and extended the latest date for submission by non-coastal counties from July 1, 1990, to July 1, 1991.

1988, 1989, and 1990 [None]

1991: [Chapter 91-45, sections 31 and 32, Laws of Florida]

1. No substantive changes.

1992: [Chapters 92-129 and 92-279, Laws of Florida]

1. Section 163.3189(2)(a) (2014)
    - Clarified that the procedures for approval of the original plans also applied to plan amendments.
2. Sections 163.3174, 163.3164(13) [2014 cite: (14)], 163.3221(10)[2014 cite: (11)]
    - Provided that the local planning agency should prepare plan amendments.
3. Section 163.3164(24)
    - 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."
4. Section 163.3177(6)(h)2. [2014 cite: 163.3177(6)(h)3.]

- Added requirement that independent special districts submit a public facilities report to the appropriate local government.

5. Section 163.3177(10)(k)
    - 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.
6. Section 163.3177
    - (11)(a): Recognized the need for innovative planning and development strategies to address the anticipated continued urbanization of the coast and other environmentally sensitive areas.
    - (11)(b): Stated that plans should allow land use efficiencies within existing urban areas, and should also allow for the conversion of rural lands to other uses.
    - (11)(c): Provided that plans and land development regulations (LDRs) should maximize the use of existing facilities and services through redevelopment, urban infill, and other strategies for urban revitalization.
7. Section 163.3184(1)(a)
    - Amended definition of "affected person" to clarify that the affected person's comments, recommendations, or objections have to be submitted to the local government at or after the transmittal public hearing for the plan amendment and before the adoption of the amendment.
8. Section 163.3184(3)(b)
    - Required the local government to include within each plan amendment transmittal such materials as the state land planning agency specifies by rule.
9. Section 163.3184(7)(a), [2014 cite: 163.3184(7)(c)1]
    - Gave the local government 120 days, rather than 60 days, after receipt of the objections, recommendations, and comments to adopt or adopt with changes the plan or amendment; and gives the local government 10 days, rather than 5 days, after adoption to transmit the adopted plan or amendment to the state land planning agency. Also requires that a copy of the adopted plan or amendment be transmitted to the regional planning council.
10. Section 163.3184(8)(b)
    - Provided that the Secretary of the state land planning agency, as well as a "senior administrator other than the Secretary" can issue a notice of intent.
11. Section 163.3184(9)(b) & (10)(a)
    - Required that the Division of Administrative Hearings hearing must be held "in the county of and convenient to" the affected local jurisdiction.
12. Section 163.3184(10)(a)
    - Provided that in an administrative challenge to a plan or plan amendment, new issues cannot be raised concerning plan compliance more than 21 days after publication of the notice of intent.
13. Section 163.3184(16)
    - Added a procedure for Compliance Agreements.

14. Section 163.3187(1)(c)
    - Changed the requirements for small scale amendments:
        - Increased the geographic size from 5 to 10 acres of residential land use at a density of 10, rather than 5, units per acre; and for other land use, an increase from 3 to 10 acres. Also increased the annual maximum acreage for small scale amendments from 30 to 60 acres.
        - Allowed local governments to use a newspaper ad of less than a quarter page in size.
        - Authorized the state land planning agency to adopt rules establishing an alternative process for public notice for small scale amendments.
        - Provided that small scale amendments require only an adoption public hearing.
15. Section 163.3187(1)(e), [2014 cite: 163.3187(1)(d)]
    - Provided that a plan amendment required by a compliance agreement may be approved without regard to the twice-a-year limitation on adoption of plan amendments.
16. Section 163.3187(5)
    - 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.
17. Section 163.3189
    - Created an alternative process for amendment of adopted comprehensive plans
18. Section 163.3191(5) [2014 cite: 163.3191(13)]
    - Provided that the first evaluation and appraisal report is due 6 years after the adoption of the comprehensive plan, and subsequent evaluation and appraisal reports are due every 5 years thereafter.
19. Section 163.3235, 163.3239
    - Amended the Development Agreement Act by providing:
        - Development agreements are not effective unless the comprehensive plan or plan amendment related to the agreement is found in compliance.
        - Development agreements are not effective until properly recorded and until 30 days after received by the state land planning agency.

1993: [Chapter 93-206 (the ELMS bill) and Chapter 93-285, section 12, Laws of Florida]

1. Section 1163.3161(9)
    - Amended the intent section to include that constitutionally protected property rights must be respected.
2. Section 163.3164
    - Added definitions for "coastal area", "downtown revitalization", "Urban redevelopment", "urban infill", "projects that promote public transportation", and "existing urban service area."

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3. Section 163.3167(11)
    - Amended the scope of the act to provide for the articulation of state, regional, and local visions of the future physical appearance and qualities of a community.
4. Section 163.3177(6)(f)1. and (f)2.
    - Amended the requirements for the housing element by:
        - Having the element apply to the jurisdiction, rather than the area.
        - Including very-low income housing in the types of housing to be considered.
        - Provided guidance that the creation or preservation of affordable housing should minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas.
        - Required the state land planning agency to prepare an affordable housing needs assessment for all local jurisdictions, which will be used by each local government in preparing the evaluation and appraisal report and amendments, unless the state land planning agency allows the local government to prepare its own needs assessment.
5. Section 163.3177(6)(h)1. and 2., [2014 cites: 163.3177(9)(h), 163.3177(9)(h), 163.3177(6)(h)5]
    - Amended the intergovernmental coordination element by:
        - Requiring each intergovernmental coordination element to include:
            - A process to determine if development proposals will have significant impacts on state or regional facilities.
            - 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 and implement joint planning areas.
            - Recognition of campus master plans.
            - Requiring each county, all municipalities within that county, the school board, and other service coordination element providers to enter into formal agreements, and include in their plans, joint processes for collaborative planning and decision-making.
        - Requiring the state land planning agency to:
            - Adopt rules to establish minimum criteria for the intergovernmental coordination element.
            - Prepare a model intergovernmental coordination element.
            - Establish a schedule for phased completion and transmittal of intergovernmental coordination element plan amendments.
6. [2014 cite: Section 163.3177(6)(h)5.]
    - Providing that amendments to implement the intergovernmental coordination element must be adopted no later than December 31, 1997].

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7. Section 163.3177(6)(h), [2014 cite: Section 163.3177(6)(j)]
    - Requiring a transportation element for urbanized areas.
8. Section 163.3177(7)(l)
    - Adding an optional hazard mitigation/post disaster redevelopment element for local governments that are not required to have a coastal management element.
9. Section 163.3177(10)(l)
    - Requiring the state land planning agency to consider land use compatibility issues near airports.
10. Section 163.3178(2)(h), (5), (6), (7), (8)
    - Amended the coastal management element by:
        - Defining "high hazard coastal areas" as category I evacuation zones, and stated that mitigation and redevelopment policies are at the discretion of the local government.
        - Affirming the state's commitment to deepwater ports, and required the section 186.509 dispute resolution process to reconcile inconsistencies between port master plans and local comprehensive plans.
        - Encouraging local governments to adopt countywide marina siting plans.
        - Requiring coastal local governments to identify spoil disposal sites in the future land use and port elements.
        - Requiring each county to establish a process for identifying and prioritizing coastal properties for state acquisition.
11. Section 163.3180 [New]
    - Created a new section for concurrency which:
        - Provides concurrency on a statewide basis only for roads, sewers, solid waste, drainage, potable water, parks and recreation, and 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:
            - For sewer, solid waste, drainage and potable water facilities, in place no later than the issuance of the certificate of occupancy.
            - For parks and 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 and downtown revitalization.
        - Allowing a de minimis transportation impact of not more than 0.1% of the maximum volume of the adopted level of service coordination element 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 where significant backlogs exist.
- Requiring local governments to adopt the level-of-service coordination element 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, and the developer makes a binding commitment to pay the fair share of the cost of the needed facility.

12. Section 163.3181(3)
    - Provided a procedure to ensure public participation in the approval of a publicly financed capital improvements.
13. Section 163.3184
    - Amended the procedure for the adoption of plans and plan amendments as follows:
        - Proposed plans or amendments, and materials, must be transmitted to the regional planning councils, the water management districts, the Department of Environmental Protection, and the Department of Transportation as specified in the state land planning agency's rules.
        - The state land planning agency 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 and extra jurisdictional impacts.
        - The state land planning agency may not require a local government to duplicate or exceed a permitting program of a state, federal, or regional agency.
14. Section 163.3187(5), [2014 cite: Section 163.3187(6)(a)]
    - Prohibited local governments from amending their comprehensive plans after the date established for submittal of the evaluation and appraisal report unless the report has been submitted.
15. Section 163.3189(1)
    - Changed the Alternative Process for the amendment of adopted comprehensive plans to the Exclusive Process.
16. Section 163.3189(2)(a)
    - Provided that plan amendments do not become effective until the state land planning agency or the Administration Commission issues a final order determining that the amendment is in compliance.
17. Section 163.3189(2)(b)

- 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.

18. Section 163.3189(3)(a)
    - Authorizing the local government to demand formal or informal mediation, or expeditious resolution of the amendment proceeding.
19. Section 163.3191
    - Amended the Evaluation and Appraisal Report section of the statute.

1994: [Chapter 94-273, section 4, Laws of Florida]

1. Section 163.3187(1)(f), [2014 cite: Section 163.3187(1)(e)]
    - A plan amendment for the location of a state correctional facility can be made at any time, and does not count toward the twice -a-year limitation on adoption of plan amendments.

1995: [Chapter 95-181, sections 4-5, Chapter 95-257, sections 2-3, Chapter 95-310, sections 7-12, Chapter 95-322, sections 1-7, and Chapter 95-341, sections 9, 10, and 12, Laws of Florida]

1. Section 163.3184(10)(c)
    - 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 [section 163.3181(4)] and prior to a hearing where a plan or plan amendment was determined by the state land planning agency to be not in compliance.
2. Section 163.3177(6)(j)9. [New]
    - Added a definition for "transportation corridor management" [section 163.3164(30)] and allowed the designation of transportation corridors in the required traffic circulation and transportation elements and the adoption of transportation corridor management ordinances.
3. Sections 163.3164(18), 163.3171(3), 163.3174(1) and (4), 163.3181(3)(a), 163.3184(15)(a)-(c), 163.3187(1)(c)
    - Amended the definition of "public notice" and certain public notice and public hearing requirements to conform to the public notice and hearing requirements for counties and municipalities in sections 125.66 and 166.041, Florida Statutes.
4. Section 163.3167(12)
    - Prohibited any initiative or referendum process concerning any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.
5. Section 163.3184(8)(a)
    - Reduced to 30 days the time for the state land planning agency to review comprehensive plan amendments resulting from a compliance agreement.

6. Section 163.3184(8)(b)
    - Amended the requirements for the advertisement of the state land planning agency's notice of intent.
7. Section 163.3184(16)(f)
    - Required the administrative law judge to realign the parties in a Division of Administrative Hearings proceeding where a local government adopts a plan amendment pursuant to a compliance agreement.
8. Section 163.3187(1)(c) and (3)(a)-(c)
    - Added clarifying language relative to those small scale plan amendments that are exempt from the twice-per-year limitation on adoption of plan amendments and prohibited state land planning agency review of those small scale amendments that meet the statutory criteria in section 163.3187(1)(c).
9. Section 163.3177(7)
    - Required the state land planning agency to consider an increase in the annual total acreage threshold for small scale amendments. (Repealed by Chapter 2000-158, section 16, Laws of Florida).
10. Section 163.3174(1)
    - Required local planning agencies to provide opportunities for involvement by district school boards and community college boards.
11. Section 163.3177(6)(a)
    - Required that the future land use element clearly identify those land use categories where public schools are allowed.
12. Section 163.3180(1)(b), [2014 cite: Section 163.3180(13)]
    - Established certain criteria for local governments wanting to extend concurrency to public schools. (Later amended by Chapter 98-176, section 5, Laws of Florida).

1996: [Chapter 96-205, section 1, Chapter 96-320, sections 10-11, and Chapter 96-416, sections 1-6, 15, Laws of Florida]

1. Section 163.3187(1)(c)
    - Substantially amended the criteria for small scale amendments that are exempt from the twice -per-year limitation on adoption of plan amendments.
2. Section 163.3177(6)(g)9.
    - Revised the objectives in the coastal management element to include the maintenance of ports.
3. Section 163.3178(2), (3), and (5)
    - Provided that certain port related expansion projects are not DRIs under certain conditions.
4. Section 163.3177(6)(a)
    - Allowed a county to designate areas on the future land use map for possible future municipal incorporation.

5. Section 163.3177(6)(h)
    - Required the intergovernmental coordination element to include consideration of the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land.
6. Section 163.3177(6)(h)
    - Revised the processes and procedures to be included in the intergovernmental coordination element.
7. 163.3177(6)(h)2.
    - Required that within one year after adopting their intergovernmental coordination elements, each county and all municipalities and school boards therein establish by Interlocal agreement the joint processes consistent with their intergovernmental coordination elements.
8. Section 163.3180(1)(b)2., [2014 cite: Section 163.3180(13)(g)]
    - Required local governments that utilize school concurrency to satisfy intergovernmental coordination requirements of section 163.3177(6)(h)1.
9. Section 163.3217
    - Permitted a county to adopt a municipal overlay amendment to address future possible municipal incorporation of a specific geographic area.
10. Section 163.3244 [Later Repealed.]
    - Authorized the state land planning agency to conduct a sustainable communities demonstration project.

1997: [Chapter 97-253, sections 1-4, Laws of Florida]

1. Section 163.3180(6)
    - Amended the definition of de minimis impact as it pertains to concurrency requirements.
2. Section 163.3184(14)
    - Established that no plan or plan amendment in an area of critical state concern is effective until found in compliance by a final order.
3. Section 163.3187(1)(c)1.a.III
    - Amended the criteria for the annual effect of Duval County (Jacksonville) small scale amendments to a maximum of 120 acres.
4. Section 163.3189(2)(b)
    - Prohibited amendments in areas of critical state concern from becoming effective if not in compliance.

Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

1998: [Chapter 98-75, section 14, Chapter 98-146, sections 2-5, Chapter 98-176, sections 2-6 and 12-15, and Chapter 98-258, sections 4-5, Laws of Florida]

1. Section 163.3187(1)(g)
    - Exempted brownfield area amendments from the twice-a-year limitation on adoption of plan amendments.
2. Section 163.3177(3)(a)4.
    - Required that the capital improvements element set forth standards for the management of debt.
3. Section 163.3177(5)(a)
    - Required inclusion of at least two planning periods – one at least 5 years and one at least 10 years.
4. Section 163.3184(3)(d)
    - Allowed multiple individual plan amendments to be considered together as one amendment cycle.
5. Sections 163.3164(31) and 163.3245
    - Defined "optional sector plan" and created section 163.3245 allowing local governments to address development of regional impact issues within certain identified geographic areas.
6. Section 163.3177(12)
    - Established the requirements for a public school facilities element.
7. Section 163.3180(12), [2014 cite: Section (13)]
    - Established the minimum requirements for imposing school concurrency.
8. Section 163.3180(13), [2014 cite: section14)]
    - Required that the state land planning agency adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.
9. Section 163.3191(2)(i), [2014 cite: Section 163.3191(2)(k)]
    - Required that evaluation and appraisal reports address coordination of the comprehensive plan with existing public schools and the school district's 5-year work program.
10. Section 163.3184(1)(b)
    - Amended the definition of "in compliance" to include consistency with sections 163.3180 and 163.3245, Florida Statutes.
11. Section 163.3184(2), (4), and (6)
    - Required the state land planning agency to maintain a file with all documents received or generated by the state land planning agency relating to plan amendments and identify; limited the state land planning agency's review of proposed plan amendments to written comments, and required the state land planning agency to identify and list all

written communications received within 30 days after transmittal of a proposed plan amendment.

12. Section 163.3187(6)(b)
    - 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 evaluation and appraisal report even if the evaluation and appraisal report is insufficient.
13. Section 163.3191
    - Substantially reworded section 163.3191, Florida Statutes, related to evaluation and appraisal reports.
14. Section 163.3177(6)(i)
    - Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements.

1999: [Chapter 99-251, sections 65-6, and 90, and Chapter 99-378, sections 1, 3-5, and 8-9, Laws of Florida]

1. Section 163.3178(7)
    - Required that ports and local governments in the coastal area, which has spoil disposal responsibilities, identify dredge disposal sites in the comprehensive plan.
2. Section 163.3187(1)(h)
    - Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.
3. Section 163.3177(6)(a)
    - Required rural counties to base their future land use plans and the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.
4. Sections 163.2511, 163.2514, 163.2517, 163.2520, 163.2523 and 163.2526 [New]
    - Added the Growth Policy Act to Chapter 163, Part II, Florida Statutes, to promote urban infill and redevelopment.
5. Section 163.3177(6)(a)
    - Required that all comprehensive plans comprehensively with the school siting requirements by October 1, 1999.
6. Section 163.3180(1)(a)
    - Made transportation facilities subject to concurrency.
7. Section 163.3180(1)(b)
    - Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.
8. Section 163.3180(4)(b)
    - Excluded public transit facilities from concurrency requirements.
9. Section 163.3180(12)

- Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.

10. Section 163.3180(15)
    - Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.
11. Section 163.31879(1)(h) and (i), [2014 cite: (i) and (j)]
    - Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation.
12. Section 163.3220(2)
    - Defined brownfield designation and 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.]

2000: [Chapter 2000-158, sections 15-17, Chapter 2000-284, section 1, and Chapter 2000-317, section 18, Laws of Florida]

1. Section 163.3184(11)(c) [Repealed]
    - Repealed section 163.3184(11)(c), Florida Statutes, that required funds from sanctions for non-compliant plans go into the Growth Management Trust Fund.
2. Section 163.3187(7) [Repealed]
    - Repealed section 163.3187(7), Florida Statutes, which required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by the state land planning agency.
3. Section 163.3191(13) and (15) [Repealed]
    - Repealed sections 163.3191(13) and (15), Florida Statutes.
4. Section 163.3187(1)(c)1.e
    - Allowed small scale amendments in areas of critical state concern only if they are for affordable housing.
5. Section 163.2517(3)(j)2.
    - Added exemption of sales from local option surtax imposed under section 212.054, Florida Statutes, as an example of incentives for new development within urban infill and redevelopment areas.

2001: [Chapter 2001-279, section 64, Laws of Florida]

1. Section 163.3177(11)(d)
    - Created the rural land stewardship area program.

2002: [Chapter 2002-296, sections 1 - 11, Laws of Florida]

1. Section 163.3174

- Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.

2. Section 163.3177(4)(a)
   - Required coordination of local comprehensive plan with the regional water supply plan.
3. Section 163.3177(6)(a)
   - Plan amendments for school-siting maps are exempt from the limitation on frequency of adoption of plan amendments.
4. Section 163.3177(6)(c)
   - Required that by adoption of the evaluation and appraisal report, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.
5. Section 163.3177(6)(d)
   - Required consideration of the regional water supply plan in the preparation of the conservation element.
6. Section 163.3177(6)(h)
   - Required that the intergovernmental coordination element include relationships, principles and guidelines to be used in coordinating comprehensive plan with regional water supply plans.
7. 163.3177(6)(h)4.
   - Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.
8. Section 163.3177(6)(h)6., 7., & 8.
   - Required that counties larger than 100,000 population and their municipalities submit an inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to the state land planning agency by January 1, 2004. Each local government is required to update its intergovernmental coordination element based on the findings of the report. The state land planning agency will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.
9. Section 163.3177(6)(h)9. [Repealed]
   - Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003. NOTE: this requirement was repealed by Chapter 2005-290, section 2, Laws of Florida.
10. Section 163.31776 [New]
    - 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.
11. Section 163.31777 [New]
    - Added a new section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting,

school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.

12. Section 163.3180(4)(c)
    - Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.
13. Section 163.3184(1)(a)
    - Expanded the definition of "affected persons" to include property owners who own land abutting a change to a future land use map.
14. Section 163.3184(1)(b)
    - Expanded the definition of "in compliance" to include consistency with section 163.31776 (public educational facilities element).
15. Section 163.3184(3), (4), (6), (7), (8)
    - Streamlined the timing of comprehensive plan amendment review.
16. Section 163.3184(15)(c)
    - Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.
17. Section 163.3187(1)(k)
    - Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of adoption of plan amendments contained in section 163.3187(1).
18. Section 163-3191(2)(1)
    - Required Evaluation and Appraisal Reports to include (1) consideration of the appropriate regional water supply plan, and (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.
19. Section 163.3215
    - 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.
20. Section 163.3246
    - Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.
21. Section 163.3187(1)
    - 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 adoption of plan amendments contained in section 163.3187(1).

22. Section 163.3194(6)
    - 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.

2003: [Chapter 03-1, sections 14-15, Chapter 03-162, section 1, Chapter 03-261, section 158, and Chapter 03-286, section 61, Laws of Florida]

1. Section 163.3162 [New]
    - Creates the Agricultural Lands and Practices Act.
        - (2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation.
        - (3): Defines the terms "farm," "farm operation," and "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.
2. Section 163.3167(6)
    - Changes "State Comptroller" references to "Chief Financial Officer."
3. Section 163.3177(6)(k)
    - Provides for certain airports to abandon development of regional impact development orders.
4. Section 163.31776
    - Throughout section 163.3177, Florida Statutes, citations to Chapter 235, Florida Statutes, are changed to cite the appropriate section in Chapter 1013, Florida Statutes.
5. Section 163.31777
    - Throughout section 163.31777, Florida Statutes, citations to Chapter 235, Florida Statutes, are changed to cite the appropriate section in Chapter 1013, Florida Statutes.

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2004: [Chapter 04-5, section 11, Chapter 04-37, section 1, Chapter 04-230, sections 1-4, Chapter 04-372, sections 2-5, Chapter 04-381, sections 1-2, and Chapter 04-384, section 2, Laws of Florida]

1. Section 163.3167
    - (10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and 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 for the established planning period.
    - (14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.
2. Section 163.3175 [new]
    - (1): Provides legislative findings on the compatibility of development with military installations.
    - (2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.
    - (3): Provides for responsive comments by the commanding officer or his designee.
    - (4): Provides for the county or affected local government to take such comments into consideration.
    - (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.
    - (6): Encourages the commanding officer to provide information on community planning assistance grants.
3. Section 163.3177
    - (6)(a):
        - Required local governments to amend the future land use element by June 30, 2006, to include criteria to achieve compatibility with military installations.
        - Encourages rural land stewardship area designation as an overlay on the future land use map.
    - (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; and exempts such amendment from the limitation on frequency of adoption of amendments.
    - (10)(l): Provided for the coordination by the state land planning agency and the United States Department of Defense on compatibility issues for military installations.
    - (11)(d)1.: Required that the state land planning agency, in cooperation with other specified state agencies, provide assistance to local governments in implementing provisions relating to rural land stewardship areas.
    - (11)(d)2.: Provided for multi-county rural land stewardship areas.

- (11)(d)3.-4: Revised requirements, including the acreage threshold for designating a rural land stewardship area.
- (11)(d)6.j.: Provided 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.
- (11)(e): Provided legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires the state land planning agency to provide technical assistance to local governments.
- (11)(f): Provided legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires the state land planning agency to provide technical assistance to local governments.

4. Section 163.31771 [new]
    - (1): Provided legislative findings with respect to the shortage of affordable rentals in the state.
    - (2): Provided definitions.
    - (3): Authorized local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.
    - (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 an affordable rate to a very-low-income, low-income, or moderate-income person or persons.
    - (5): Provided for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.
    - (6): Required the state land planning agency to report to the Legislature.
5. Section 163.3184(1)(b)
    - Amended the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act.
6. Section 163.3187
    - (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.
    - (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.
7. Section 163.3191(2)(n)
    - Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations.

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2005: [Chapter 2005-157, sections 1, 2 and 15, Chapter 2005-290, and Chapter 2005-291, sections 10-12, Laws of Florida]

1. Section 163.3164(32) [New]
    - Added the definition of "financial feasibility."
2. Section 163.3177
    - (2): Required comprehensive plans to be "financially" rather than "economically" feasible.
    - (3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (funding from a 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.
    - (3)(a)6.b.1.: Required a plan amendment for the annual update of the schedule of capital improvements. Deleted a provision allowing updates and change in the date of construction to be accomplished by ordinance.
    - (3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.
    - (3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.
    - (6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.
    - (6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).
    - (6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in section 342.07, Florida Statutes.
    - (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 and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.
    - (6)(e): Added waterways to resources addressed by the recreation and open space element.
    - (6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities.
    - (11)(d)4.c.: Required rural land stewardship areas to address affordable housing.

- (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.
- (11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.
- (11)(d)6.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.
- (12): Must adopt public school facilities element.
- (12)(a) and (b): A waiver from providing this element will be allowed under certain circumstances.
- (12)(g): Expanded list of items to be to include collocation, location of schools proximate to residential areas, and use of schools as emergency shelters.
- (12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.
- (12)(i): Required the state land planning agency to establish a schedule for adoption of the public school facilities element.
- (12)(j): Established penalty for failure to adopt a public school facility element.
- (13): (New section) Encourages local governments to develop a "community vision" that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.
- (14): (New section) Encourages local governments to develop an "urban service boundary" that ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See section 163.3184(17).

3. Section 163.31776 [Repealed]
    - Section 163.31776 is repealed.
4. Section 163.31777
    - (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.
    - (5): Required Palm Beach County to identify, as part of its evaluation and appraisal report, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.
    - (7): Provided that a county exempted from public school facilities element shall undergo re-evaluation as part of its evaluation and appraisal report to determine if it continues to meet the exemption criteria.
5. Section 163.3178
    - (2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in section 342.07, Florida Statutes.
6. Section 163.3180

Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

- (1)(a): Added "schools" as a required concurrency item.
- (2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development will be available by the date of issuance of a certificate of occupancy.
- (2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.
- (4)(c): The concurrency requirement, except as it relates to transportation and public schools, may be waived in urban infill and redevelopment areas. The waiver shall be adopted as a plan amendment. A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within an urban infill and redevelopment area.
- (5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.
- (5)(e) – (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be "consistent with and support a comprehensive strategy, and promote the purpose of the exceptions." Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. The Florida Department of Transportation must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the evaluation and appraisal-based amendments are adopted, whichever occurs last.
- (6): Required local government to maintain records to determine whether 110 percent de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110 percent threshold dissolves the de minimis exceptions.
- (7): Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the Florida Department of Transportation should work together to mitigate any impacts to the Strategic Intermodal System.
- (9)(a): Allowed adoption of a long-term concurrency management system for schools.
- (9)(c): (New section) Allowed local governments to issue approvals to commence construction notwithstanding section 163.3180 in areas subject to a long-term concurrency management system.
- (9)(d): (New section) Required evaluation in Evaluation and Appraisal Repot of progress in improving levels of service coordination element.
- (10): Added requirement that level of service coordination element standard for roadway facilities on the Strategic Intermodal System must be consistent with Florida Department of Transportation standards. Standards must consider compatibility with adjacent jurisdictions.

- (13): Required school concurrency (not optional).
- (13)(c)1: Requires school concurrency after five years to be applied on a "less than districtwide basis" (i.e., by using school attendance zones, etc).
- (13)(c)2: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.
- (13)(c)3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must to shifted to contiguous service areas with school capacity.
- (13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.
- (13)(e)1: Enumerated mitigation options for achieving proportionate-share mitigation.
- (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:
    - contribution of land
    - construction, expansion, or payment for land acquisition
- (13)(g)2.: (Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.
- (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.
- (13)(g)7. [Formerly (13)(g)8.]: Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.
- (13)(h): (New 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.
- (15): Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service coordination element standards. If impacts are found, the local government and 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.
- (16): (New section) Required local governments to adopt a method for assessing proportionate fair-share mitigation options by December 1, 2006. Required the Florida Department of Transportation to develop a model ordinance by December 1, 2005.

7. Section 163.3184 [New]
    - (17): (New section) If local government has adopted a community vision and urban service boundary, state and 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.

- (18): (New section) If a municipality has adopted an urban infill and redevelopment area, state and 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.

8. Section 163.3187
   - (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.
   - (1)(c)4.: (New provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.
   - (1)(o): (New provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.
9. Section 163.3191
   - (2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the Evaluation and Appraisal Report whether the local government continues to meet the exemption criteria in section 163.3177(12).
   - (2)(l): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects, including conservation and reuse, needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply work plan.
   - (2)(o): (New provision) The Evaluation and Appraisal Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was created.
   - (2)(p): (New provision) The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities.
   - (10): The Evaluation and Appraisal Report -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 state land planning agency.
10. Section 163.3246 [New]
    - (10) New section designating Freeport as a certified community.
    - (11) New section exempting proposed DRIs within Freeport from review under section 380.06, Florida Statutes, unless review is requested by the local government.

2006 [Chapters 2006-68, 2006-69, 2006-220, 2006-252, 2006-255, and 2006-268, Laws of Florida]

1. Section 163.3162(5) [New]

- Establishes plan amendment procedures for agricultural enclaves as defined in section 163.3164(33), Florida Statutes. Chapter 2006-255, Laws of Florida.

2. Section 163.3164(33) [New]
   - Defines agricultural enclave. Chapter 2006-255, Laws of Florida.
3. Section 163.3177(6)(g)2. [New]
   - (6)(g)2.: 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. Chapter 2006-220, Laws of Florida.
4. Section 163.3177(11)(d)6.
   - 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. Chapter 2006-220, Laws of Florida.
5. Section 163.31771(1), (2) and (4)
   - 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 section 420.0004(8), Florida Statutes. Chapter 2006-69, Laws of Florida.
6. Section 163.3178(2)(d)
   - Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans. Chapter 2006-68, Laws of Florida.
7. Section 163.3178(2)(h)
   - Changes the definition of the Coastal High Hazard Area to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Chapter 2006-68, Laws of Florida.
8. Section 163.3178(9)(a) [New]
   - Adds a new section allowing a local government to comprehensively with the requirement that its comprehensive plan direct population concentrations away from the Coastal High Hazard Area and maintains or reduces hurricane evacuation times by maintaining an adopted level of service 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. Chapter 2006-68, Laws of Florida.
9. Section 163.3178(9)(b) [New]
   - 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 section 163.3178(9)(a) but has not established such a level of service by July 1, 2008. Chapter 2006-68, Laws of Florida.
10. Section 163.3178(2)(c)
    - Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the Coastal High Hazard Area,

and to depict the Coastal High Hazard Area on the Map by July 1, 2008. Chapter 2006-68, Laws of Florida.

11. Section 163.3180(2)(a)
    - Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Chapter 2006-252, Laws of Florida.
12. Section 163.3180(12)(a)
    - Changes section 380.0651(3)(i) to section 380.0651(3)(h) as the citation for the standards a multiuse development of regional impact must meet or exceed. Chapter 2006-220, Laws of Florida.
13. Section 163.3187(1)(c)1.f.
    - Deletes use of extended use agreement as part of the definition of small scale amendment. Chapter 2006-69, Laws of Florida.
14. Section 163.3208 [New]
    - 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 future land use map 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. Chapter 2006-268, Laws of Florida.
15. Section 163.3209 [New]
    - Creates a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way. Chapter 2006-268, Laws of Florida.
16. New
    - Community Workforce Housing Innovation Pilot Program; created by Chapter 2006-69, section 27, Laws of Florida. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.
17. New
    - Affordable housing land donation density incentive bonus; created by Chapter 2006-69, section 28, Laws of Florida. 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.

Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

2007: [Chapters 2007-196, 2007-198, and 2007-204, Laws of Florida]

1. Section 163.3164
    - (26) Expands the definition of "urban redevelopment" to include a community redevelopment area. Chapter 2007-204, Laws of Florida.
    - (32) Revises the definition of "financial feasibility" to clarify that the plan is financially feasible for transportation and schools if level of service standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved; deletes the provision that level of service standards need not be maintained if the proportionate fair share process in sections 163.3180(12) and (16), Florida Statutes, is used. Chapter 2007-204, Laws of Florida.
2. Section 163.3177
    - (2) Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation or school concurrency management, in which case a 10 or 15-year period applies). Chapter 2007-204, Laws of Florida.
    - (3)(a)6. Revises the citation to the Metropolitan Planning Organization's Transportation Improvement Program and long-range transportation plan. Chapter 2007-196, Laws of Florida.
    - (3)(b)1. Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Chapter 2007-204, Laws of Florida.
    - (3)(c) Deletes the requirement that the state land planning agency must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place is the annual update is not adopted). Chapter 2007-204, Laws of Florida.
    - (3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with section 163.3180(12), Florida Statutes, or (2) a binding agreement addressing proportionate fair-share mitigation consistent with section 163.3180(16)(f), Florida Statutes, and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Chapter 2007-204, Laws of Florida.
    - (6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Chapter 2007-198, Laws of Florida.
    - (6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Chapter 2007-198, Laws of Florida.
3. Section 163.3180

- (4)(b) Expands transportation concurrency exceptions to include airport facilities. Chapter 2007-204, Laws of Florida.
- (5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Chapter 2007-204, Laws of Florida.
- (5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Chapter 2007-204, Laws of Florida.
- (12) and (12)(a) Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Chapter 2007-204, Laws of Florida.
- (12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Chapter 2007-204, Laws of Florida.
- (13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Chapter 2007-204, Laws of Florida.
- (16)(c) and (f) Allows proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Chapter 2007-204, Laws of Florida.
- (17) Allows an exempt from concurrency for certain workforce housing developed consistent with section 380.061(9) and section 380.0651(3). Chapter 2007-198, Laws of Florida.

4. 163.3182 [New]
    - Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defines the powers of the authority to include tax increment financing and requires the preparation of transportation concurrency backlog plans. Chapters 2007-196 and 2007-198, Laws of Florida.
5. Section 163.3184(19) [New]
    - Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Chapter 2007-198, Laws of Florida.
6. Section 163.3187(1)(p) [New]
    - Exempts any plan amendment that is consistent with the local housing incentive strategy consistent with section 420.9076 from the twice per year limitation on the frequency of adoption of plan amendments. Chapter 2007-198, Laws of Florida.
7. Section 163.3191(14) [New]

- Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in sections 163.3191(10). Chapters 2007-196 and 2007-204, Laws of Florida.

8. Section 163.3229
   - Extends the duration of a development agreement from 10 to 20 years. Chapter 2007-204, Laws of Florida.
9. Section 163.32465 [New]
   - Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Chapter 2007-204, Laws of Florida.
10. Section 339.282 [New]
    - If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement. Chapter 2007-196, Laws of Florida.
11. Section 420.5095(9)
    - Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Chapter 2007-198, Laws of Florida.

2008: [Chapters 2008-191 and 2008-227, Laws of Florida]

1. Section 163.3177(6)(a)
   - The future land use plan must discourage urban sprawl. Chapter 2008-191, Laws of Florida.
2. Section 163.3177(6)(a)
   - The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Chapter 2008-191, Laws of Florida.
3. Section 163.3177(6)(a)
   - The future land use plan must be based upon greenhouse gas reduction strategies. Chapter 2008-191, Laws of Florida.
4. Section 163.3177(6)(b)
   - The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Chapter 2008-191, Laws of Florida.
5. Section 163.3177(6)(d)
   - The conservation element must include factors that affect energy conservation. Chapter 2008-191, Laws of Florida.
6. Section 163.3177(6)(d)
   - The future land use map series must depict energy conservation. Chapter 2008-191, Laws of Florida.

7. Section 163.3177(6)(f)1.h. and i.
    - The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Chapter 2008-191, Laws of Florida.
8. Section 163.3177(6)(j)
    - Local governments within a Metropolitan Planning Organization area must revise their transportation elements to include strategies to reduce greenhouse gas emissions. Chapter 2008-191, Laws of Florida.
9. Chapter 187, Florida Statutes
    - Various changes were made in the State Comprehensive Plan that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, Laws of Florida.

2009: [Chapters 2009-85 and 2009-96, Laws of Florida]

1. Section 163.3164(29)
    - Changes "Existing Urban service area" to "Urban service area" and revises the definition of such an area. Chapter 2009-96, section 2, Laws of Florida.
2. Section 163.3164(34)
    - Adds definition of "Dense urban land area." Chapter 2009-96, section 2, Laws of Florida.
3. Section 163.3177(3)(b)1.
    - Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible. Chapter 2009-96, section 3, Laws of Florida.
4. Section 163.3177(6)(a)
    - Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports. For military installations, the date is changed from June 30, 2006, to June 30, 2012. Section 3, Chapter 2009-85, Laws of Florida.
5. Section 163.3177(6)(h)1.b.
    - Requires the intergovernmental coordination element to recognize airport master plans. Chapter 2009-85, section 3, Laws of Florida.
6. Section 163.3177(6)(h)1.c.
    - Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, Florida Statutes, for this purpose. Chapter 2009-96, section 3, Laws of Florida.
7. Section 163.3177(6)(h)1.d.
    - Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to section 333.03(1)(b), Florida Statutes, between adjacent local governments regarding airport zoning regulations. Chapter 2009-85, section 3, Laws of Florida.

8. Section 163.3177(15)(a) [New]
    - Defines "rural agricultural industrial center" and provides for their expansion though the plan amendment process. Chapter 2009-154, section 1, Laws of Florida.
9. Section 163.3180(5)(b)2.
    - Allows a municipality that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Chapter 2009-96, section 4, Laws of Florida.
10. Section 163.3180(5)(b)3.
    - Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Chapter 2009-96, section 4, Laws of Florida.
11. Section 163.3180(5)(b)4.
    - Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Chapter 2009-96, section 4, Laws of Florida.
12. Section 163.3180(10)
    - Except in transportation concurrency exception areas, local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System. Chapter 2009-96, section 4, Laws of Florida.
13. Section 163.3180(12)(b) & (16)(i)
    - Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Chapter 2009-85, section 5, Laws of Florida.

2010: [Chapters 2010-5, 2010-33, 2010-70, 2010-102, 2010-182, 2010-205, and 2010-209, Laws of Florida]

1. Deletes section 163.31771(6), Florida Statutes (obsolete language that addressed an accessory dwelling unit repot); no sustentative comprehensive planning requirement impact. Section 16, Chapter 2010-5, Laws of Florida.
2. Chapter 2010-102, Laws of Florida, makes several minor changes which do not affect sustentative comprehensive planning requirements:
    - Section 163.2526, Florida Statutes: repealed
    - Section 163.3167(2), Florida Statutes: obsolete language deleted
    - Section 163.3177(6)(h), Florida Statutes: minor wording changes
    - Section 163.3177(10)(k), Florida Statutes: minor wording changes
    - Section 163.3178(6), Florida Statutes: obsolete language deleted
    - Section 163.2511(1), Florida Statutes: minor wording changes
    - Section 163.2514, Florida Statutes: minor wording changes

- Section 163.3202, Florida Statutes: minor wording changes

3. Chapter 2010-205, Laws of Florida, makes several minor wording changes Chapter 163, Part II, Florida Statutes, which do not affect sustentative comprehensive planning requirements:
    - Section 163.3167(13), Florida Statutes
    - Section 163.3177(4)(a), Florida Statutes
    - Section 163.3177(6)(c), (d) and (h), Florida Statutes
    - Section 163.3191(2)(l), Florida Statutes
4. Chapter 2010-209, Laws of Florida, makes a minor wording change in section 163.2523, Florida Statutes, which does not affect substantive comprehensive planning requirements.
5. Section 163.31777(1)(a) and (3)(a)
    - Deleted the phrase "SMART Schools Clearinghouse". Chapter 2010-70, section 11, Laws of Florida.
6. Section 163.3175(2)
    - Revises section 163.3175, Florida Statutes, to list the 14 military installations and 43 local governments affected by special coordination and communication requirements. Section 1, Chapter 2010-182, Laws of Florida.
7. Section 163.3177(6)(a)
    - Revises section 163.3`77(6)(a), Florida Statutes, to specify that the 43 local governments listed in section 163.3175(2), Florida Statutes, must consider the factors listed in section 163.3175(5), Florida Statutes, when considering the compatibility of land uses proximate to military installations. Chapter 2010-182, section 2, Laws of Florida.
8. Section 163.3180(4)(b)
    - Revised section 163.3180(4)(b), Florida Statutes, to define hangars for the assembly, manufacture, maintenance or storage of aircraft as public transit facilities. Chapter 2010-33, section 1, Laws of Florida.

2011: [Chapter 2011-139, Laws of Florida]

1. Section 163.2517(4)
    - Deletes the exemption for plan amendments to designate an urban infill and redevelopment area from the twice per year amendment limitation of Section 163.3187.
2. Section 163.3161(1)
    - Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."
3. Section 163.3161(2)
    - Expresses the purpose of the act, changing "control" future development to "manage" future development "consistent with the proper role of local government."
4. Section 163.3161(3) [New]
    - States the intent of the act is to focus the state role in managing growth to protect the functions of important state resources and facilities.

Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

5. Section 163.3161(10)
    - Modifies the intent of the legislature with respect to how comprehensive plans and amendments affect property rights.
6. Section 163.3161(11) [New]
    - Expresses legislative intent to recognize and protect agriculture, tourism, and military presence as being the state's traditional economic base.
7. Section 163.3161(12) [New]
    - Expresses legislative intent to not require local government plans that have been found to be in compliance to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in section 163.3191.
8. Section 163.3162(4)
    - Modifies the provisions for agricultural lands and practices to state that a plan amendment for an agricultural enclave is presumed not to be urban sprawl as defined in section 163.3164.
9. Section 163.3164
    - Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act" and sets forth new and modified definitions, many of which were included in repealed Rule 9J-5.003, Florida Administrative Code.
10. Section 163.3164(1) [New]
    - Establishes definition for "adaptation action area."
11. Section 163.3164(3) [previously in Rule Chapter 9J-5]
    - Establishes definition for "affordable housing" [same meaning as in Section 420.0004(3)].
12. Section 163.3164(5) [New]
    - Establishes definition of "antiquated subdivision."
13. Section 163.3164(7) [previously in Rule Chapter 9J-5]
    - Establishes definition of "capital improvement."
14. Section 163.3164(9) [previously in Rule Chapter 9J-5]
    - Establishes definition of "compatibility."
15. Section 163.3164(11) [previously in Rule Chapter 9J-5]
    - Establishes definition of "deepwater ports."
16. Section 163.3164(12) [previously in Rule Chapter 9J-5]
    - Establishes definition of "density."
17. Section 163.3164(18) [previously in Rule Chapter 9J-5]
    - Establishes definition of "flood prone areas."
18. Section 163.3164(19) [previously in Rule Chapter 9J-5]
    - Establishes definition of "goal."
19. Section 163.3164(22) [previously in Rule Chapter 9J-5]
    - Establishes definition of "intensity."
20. Section 163.3164(23) [New]

- Establishes definition of "internal trip capture."

21. Section 163.3164(28) [previously in Rule Chapter 9J-5]
    - Establishes definition of "level of service."
22. Section 163.3164(32) [Deleted]
    - Deletes definition of "financial feasibility."
23. Section 163.3164(32) [previously in Rule Chapter 9J-5]
    - Establishes definition of "new town."
24. Section 163.3164(33) [previously in Rule Chapter 9J-5]
    - Establishes definition of "objective."
25. Section 163.3164(34) [Deleted]
    - Deletes definition of "dense urban land areas."
26. Section 163.3164(36) [previously in Rule Chapter 9J-5]
    - Establishes definition of "policy."
27. Section 163.3164(38)
    - Amends the definition of "public facilities" to delete health systems and spoil disposal sites for maintenance dredging located in intracoastal waterways (except sites owned by ports).
28. Section 163.3164(40)
    - Changes definition of "regional planning agency" to "the council created pursuant to chapter 186."
29. Section 163.3164(41) [previously in Rule Chapter 9J-5]
    - Establishes definition of "seasonal population."
30. Section 163.3164(42)
    - Changes definition of "optional sector plan" to "sector plan" and clarifies the purpose of a sector plan. The term includes an optional sector plan that was adopted before the effective date of the act.
31. Section 163.3164(45) [previously in Rule Chapter 9J-5]
    - Establishes definition of "suitability."
32. Section 163.3164(46) [New]
    - Establishes definition of "transit-oriented development."
33. Section 163.3164(50)
    - Clarifies the definition of "urban service area" to delete the term "built-up" and to include any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.
34. Section 163.3164(51) [replaces definition previously in Rule Chapter 9J-5]
    - Establishes new definition of "urban sprawl."

35. Section 163.3167(2)
    - Modifies requirements for maintaining comprehensive plan, deleting the reference to section 163.3184 and the requirement that proposed plan amendments be submitted to the state land planning agency.
36. Section 163.3167(3) and (6) [Deleted]
    - Deletes provisions for regional planning agency adoption of plan amendments for elements and amendments not prepared by a local government.
37. Section 163.3167(7) [Deleted]
    - Deletes provisions for local government challenge of costs associated with preparing a comprehensive plan and related state land planning agency action.
38. Section 163.3167(11) [Deleted]
    - Deletes provisions for encouraging each local government to articulate a vision of its future physical appearance and qualities of its community.
39. Section 163.3168(1) – (4) [New]
    - Establishes provisions for "planning innovations and technical assistance" and clarifies the roles of the state land planning agency and all other appropriate state and regional agencies in the process. Requires, upon request by the local government, the state land planning agency to coordinate multi-agency assistance on plan amendments that may adversely impact important state resources or facilities. Requires the state land planning agency to provide on its website guidance on the submittal and adoption of comprehensive plans, amendments and land development regulations, prohibiting such guidance from being adopted by rule and exempting such guidance from section 120.54(1)(a).
40. Section 163.3171(4)
    - Modifies areas of authority under this act with respect to joint agreements and intergovernmental coordination between cities and counties and planning in advance of jurisdictional changes.
41. Section 163.3175(5)(d) and (6)
    - Modifies military base compatibility provisions to not require that commanding officer comments, underlying studies and reports be binding on the local government. Requires the affected local government to be sensitive to private property rights and not be unduly restrictive on those rights in considering the comments provided by the commanding officer or designee.
42. Section 163.3175(9)
    - Modified to require that any local government comprehensive plan that has been amended to address military compatibility requirements after 2004 and was found in compliance be deemed in compliance until the local government conducts its evaluation and appraisal review pursuant to section 163.3191 and determines that amendments are necessary.
43. Section 163.3177(1)

- Modified to include significant portions of repealed Rules 9J-5.001 and 9J-5.005, Florida Administrative Code, with respect to the principles, guidelines, standards and strategies to be set forth in required and optional elements of the comprehensive plan and requirements for basing these elements on relevant, appropriate and professionally accepted data.

44. Section 163.3177(2)
    - Deletes financial feasibility requirements.
45. Section 163.3177(3)(a)4
    - Modifies provisions for preparing the capital improvements element to require the schedule to cover a 5-year period and identify whether projects are either funded or unfunded and given a level of priority for funding. Deletes requirements for financial feasibility.
46. Section 163.3177(3)(b)
    - Modifies requirements for local government annual review of capital improvements element to no longer require transmittal of the adopted amendment to the state land planning agency and deletes provisions related to sanctions by the Administration Commission, adoption of long-term concurrency management systems and financial feasibility.
47. Section 163.3177(5)(a)
    - Modifies planning period requirements, allowing additional planning periods for specific components, elements, land use amendments, or projects as part of the planning process.
48. Section 163.3177(6)(a)
    - Modifies requirements for the future land use element to include guidance from repealed Rule 9J-5.006, Florida Administrative Code, relative to general range of density or intensity of uses for gross land area and establishing a long term end toward which land use programs and activities are ultimately directed.
49. Section 163.3177(6)(a)2 and 3
    - Modifies the standards on which future land use plan and plan amendments are based to include: permanent and seasonal population, compatibility, the need to modify land uses and development patterns within antiquated subdivisions, preservation of waterfronts, location of schools proximate to urban residential areas, and other considerations taken from repealed Rule 9J-5.006, Florida Administrative Code.
50. Section 163.3177(6)(a)4
    - Modifies requirements for the future land use element "to accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited."
51. Section 163.3177(6)(a)8 [New]
    - Establishes requirements for analyzing future land use map amendments using portions of repealed Rule 9J-5.006, Florida Administrative Code.

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52. Section 163.3177(6)(a)9 and 10 [New]
    - Establishes requirements for the future land use element and map series, including with slight revisions the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl that were in repealed Rule 9J-5.006, Florida Administrative Code.
53. Section 163.3177(6)(b)
    - Modifies requirements for the transportation element to include significant portions of repealed Rule 9J-5.019, Florida Administrative Code, addressing circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and airport master plans.
54. Section 163.3177(6)(c)
    - Modifies requirements for the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element to include guidance from portions of repealed Rule 9J-5.011, Florida Administrative Code, and deletes requirements for including a topographic map depicting any areas adopted by a water management district as prime groundwater recharge areas and addressing areas served by septic tanks.
55. Section 163.3177(6)(c)3
    - Modifies potable water supply planning requirements to remove the provision that states that "amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan."
56. Section 163.3177(6)(d)1 and 2 [New]
    - Modifies requirements for the conservation element to include portions of repealed Rule 9J-5.013, Florida Administrative Code, to list the natural resources to be identified, analyzed and protected and toward which conservation principles, guidelines and standards are to be directed.
57. Section 163.3177(6)(d)3
    - Modifies requirements for analyzing current and projected water sources for a 10-year period to include consideration of demands for industrial, agricultural and potable water use and the quality and quantity of water available to meet these demands and the existing levels of conservation, use and protection and policies of the regional water management district.
58. Section 163.3177(6)(f)1 and 2
    - Clarifies requirements for the housing element to include guidelines, standards and strategies based on an inventory taken from the latest decennial United States Census or more recent estimates and various other considerations listed in repealed Rule 9J-5.010, Florida Administrative Code.
59. Section 163.3177(6)(f)2 [Deleted]
    - Deletes requirement for an affordable housing needs assessment conducted by the state land planning agency.
60. Section 163.3177(6)(f)3 [New]

- Based on repealed Rule 9J-5.010, Florida Administrative Code, sets forth new requirements for the creation and preservation of affordable housing, elimination of substandard housing conditions, providing for adequate sites and distribution for a range of incomes and types, and including programs for partnering, streamlined permitting, quality of housing, neighborhood stabilization, and improving historically significant housing.

61. Section 163.3177(6)(g)
    - Modifies the objectives of the coastal management element and includes a new requirement for preserving historic and archaeological resources.
62. Section 163.3177(6)(g)2 [Deleted]
    - Deletes provisions for local government adoption of recreational surface water use policies.
63. Section 163.3177(6)(g)10 [New]
    - Sets forth an option for the local government to develop an adaptation action area designation for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and that are vulnerable to the impacts of rising sea level.
64. Section 163.3177(6)(h)1.b [Deleted]
    - Deletes requirement for intergovernmental coordination element to provide for recognition of campus master plans and airport master plans.
65. Section 163.3177(6)(h)3.a and b [New]
    - Modifies requirements for the intergovernmental coordination element to include portions of repealed Rule 9J-5.015, Florida Administrative Code, including coordinating and addressing impacts on adjacent municipalities and coordinating the establishment of level of service standards.
66. Section 163.3177(6)(h)3 and 4 [Deleted]
    - Deletes requirements in intergovernmental coordination element for fostering coordination between special districts and local general purpose governments, submittal of public facilities report, execution of interlocal agreement with district school board, the county and nonexempt municipalities, and submittal of reports to the Florida Department of Community Affairs by counties with populations greater than 100,000.
67. Section 163.3177(6)(i), (j), (k) [Deleted]
    - Deletes provisions for optional elements of the comprehensive plan, transportation and traffic circulation, airport compatibility and other requirements related to transportation corridors and reduction of greenhouse gas emissions specific to local governments within an urbanized area.
68. Section 163.3177(6)(k) [Deleted]
    - Deletes provisions for airport master plans.
69. Section 163.3177(7)(a)-(l) [Deleted]
    - Deletes provisions for additional plan elements, or portions or phases thereof, including an economic development element.

Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

70. Section 163.3177(8)-(14) [Deleted]
    - See prior table entries for description of deleted provisions.
71. Section 163.3177(15)(a); Now: Section 163.3177(7)(a)
    - See Chapter 2011-139, Laws of Florida.
72. Section 163.3177(7)(c)2
    - Modifies provisions for processing plan amendments for land located within a rural agricultural industrial center to presume that these amendments are not urban sprawl as defined in section 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by section 163.3184.
73. Section 163.31777(1)(b)-(d) and (2)
    - Deletes requirements for public schools interlocal agreements with respect to submittal of the agreements to the state land planning agency based on an established schedule and other requirements involving the state land planning agency related to waivers and exemptions.
74. Section 163.31777(3)(a)-(c) and (4)-(7) [Deleted]
    - Deletes requirements related to the submittal of comments from the Office of Educational Facilities on the interlocal agreement, challenges to the state land planning agency notice of intent and other review process requirements.
75. Section 163.3180(1)
    - Deletes parks and recreation, schools and transportation from the list of public facilities and services subject to the concurrency requirement on a statewide basis.
76. Section 163.3180 (1)(a) and (b) [New]
    - Modifies concurrency requirements to include portions of repealed Rule 9J-5.0055, Florida Administrative Code, which relate to achieving and maintaining adopted levels of service for a 5-year period, and providing for rescission of any optional concurrency provisions by plan amendment, which is not subject to state review.
77. Section 163.3180(1)(b) [Deleted]
    - Deletes requirement that professionally accepted techniques be used for measuring levels of service for automobiles, bicycles, pedestrians, transit and trucks.
78. Section 163.3180(2)(b) and (c) [Deleted]
    - Deletes requirement that parks and recreation facilities to serve new development are in place or under actual construction no later than one year after issuance of a certificate of occupancy or its functional equivalent.
79. Section 163.3180(3)
    - Deletes provisions addressing governmental entities and establishment of binding level of service standards with respect to limiting the authority of any agency to recommend or make objections, recommendations, comments or determinations during reviews conducted under section 163.3184
80. Section 163.3180(4)(b) and (c) [Deleted]
    - Deletes concurrency provisions specifically related to public transit facilities and urban infill and redevelopment areas.

Statutory Changes to the Community Planning Act (Chapter 163, Part II, Florida Statutes): 1986 - 2015

81. Section 163.3180(5)(a)-(h) [New]
    - Establishes concurrency provisions for transportation facilities, which include portions of repealed Rule 9J-5.0055, Florida Administrative Code. Sets forth requirements with respect to adopted level of service standards, including use of professionally accepted studies to evaluate levels of service, achieving and maintaining adopted levels of service standards, and including the projects needed to accomplish this in 5-year schedule of capital improvements. Requires coordination with adjacent local governments and setting forth the method to be used in calculating proportionate-share contribution. Defines the term "transportation deficiency."
82. Section 163.3180(6)-(13) [Deleted]
    - See prior table entries for description of deleted provisions.
83. Section 163.3180(6)(a) [New]
    - Sets forth concurrency provisions for public education, setting forth provisions for those local governments that apply concurrency to public education. If a county and one or more municipalities that represent at least 80 percent of the total countywide population have adopted school concurrency, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.
84. Section 163.3180(6)(f)1 and 2
    - Modifies school concurrency provisions to clarify that adoption and application of school concurrency is optional.
85. Section 163.3180(d) [2014 cite: Section 163.3180(g)]
    - Modifies school concurrency provisions to remove requirement for financial feasibility and to require that facilities necessary to meet adopted levels of service during a 5-year period are identified and consistent with the school board's educational facilities plan.
86. Section 163.3180(h)1.a., b. and c. [New]
    - Modifies school concurrency provisions to allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency if certain factors are shown to exist, including adequate facilities are provided for in the capital improvements element and school board's educational facilities plan, demonstration that facilities needs can be reasonably provided, and the local government and school board have provided a means by which proportionate share is assessed.
87. Section 163.3180(14)-(17) [Deleted]
    - See prior entries for description of deleted provisions.
88. Section 163.3182 [Revised]
    - Changes "transportation concurrency backlogs" to "transportation deficiencies" and makes related clarifications.
89. Section 163.3182(2) [Revised]

- Changes "creation of transportation concurrency backlog authorities" to "creation of transportation development authorities" and makes related clarifications.

90. Section 163.3182(4) [Revised]
    - Changes "powers of a transportation concurrency backlog authority" to "powers of a transportation development authority" and makes related clarifications.
91. Section 163.3184(1)(b) [Revised]
    - Modifies the definition of "in compliance" to include a reference to section 163.3248 and delete the reference to now repealed chapter 9J-5, Florida Administrative Code.
92. Section 163.3184(1)(c) [New]
    - Provides a list of the "reviewing agencies."
93. Section 163.3184(2) [New]
    - Sets forth the "expedited" and "coordinated" review processes.
94. Section 163.3184(3) and (4) [New]
    - Sets forth requirements for adopting and processing plan amendments according to the "expedited" and "coordinated" review processes, the scope of the comments to be provided by review agencies, responsibilities of the state land planning agency with respect to its various levels of review and coordination with other state agencies and public hearings.
95. Section 163.3184(5)-(7) [New]
    - Sets forth requirements for administrative challenges to plans and plan amendments, compliance agreements and mediation and expeditious resolution.
96. Section 163.3184(11); 2014 cite: Section 163.3184(8)
    - Modifies provisions to enable the administration commission to specify sanctions to which the local government will be subject if it elects to make a plan amendment effective notwithstanding a determination of noncompliance.
97. Section 163.3184(15); 2014 cite: Section 163.3184(11)
    - Modifies provisions for public hearings to state there is no prohibition or limitation on the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.
98. Section 163.3184(12) [New]
    - Establishes provisions for concurrent zoning, requiring a local government, at the request of an applicant, to consider an application for zoning changes that would be required to properly enact any proposed plan amendment and making the approved zoning changes contingent upon the comprehensive plan or amendment becoming effective.
99. Section 163.3184(13) [New]
    - Revises provisions to require that no proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in subsection (1)(b).
100. Section 163.3187(1)(a)-(f); 2014 cite: Section 163.3187(1)(a)-(d)

- Modifies provisions to address the process for adoption of small-scale comprehensive plan amendments, deleting several exceptions. Plan amendments are no longer limited to two times per calendar year and text changes that relate directly to and are adopted simultaneously with small scale future land use map amendments are permissible.

101. Section 163.3187(1)2.a and b;3,4 and (e)-(q); 2014 Section cite: 163.3187(2)-(5)
    - Modifies the public notice requirements for small scale plan amendments, addressing petitions, prohibiting the state land planning agency from intervening and requiring that consideration be given to the plan amendment as a whole and whether it furthers the intent of this part in all challenges.
102. Section 163.3189; Now: Repealed
    - See prior entries for description of deleted provisions.
103. Section 163.3191(1)-(14); 2014 cite: Section 163.3191(1)-(5)
    - Modifies provisions for evaluation and appraisal of comprehensive plan. Maintains the requirement for local government evaluation of plan to occur at least once every 7 years. The local government is required to determine if amendments are necessary to reflect changes in state requirements (only) since the last update and to notify the state land planning agency by letter as to its determination. If needed, these amendments are to be prepared and transmitted within 1 year of this determination for review pursuant to section 163.3184(4) (State Coordinated Review). Local governments are encouraged to comprehensively evaluate and as necessary update plans to reflect changes in local conditions. If a local government fails to submit its notification letter to the state land planning agency or fails to update its plan to reflect changes in state requirements, then the local government is prohibited from amending its plan until it complies with these requirements. The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with these requirements.
104. Section 163.3217(2)
    - Deletes the reference to section 163.3187(1) and provisions regarding the frequency of adoption of plan amendments as they relate to adoption of a municipal overlay.
105. Section 163.3220(3)
    - Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."
106. Section 163.3221(2) and (11)
    - Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."
107. Section 163.3229
    - Revises the duration of a development agreement from 20 years to 30 years, unless it is extended by mutual consent, and deletes reference to sections 163.3187 and 163.3189 regarding compliance determination by state land planning agency.
108. Section 163.3235

- Modifies provisions for periodic review of a development agreement to delete requirements for annual review conducted during years 6 through 10, incorporation of the review into a written report and the state land planning agency adoption of rules regarding the contents of the report.

109. Section 163.3239
    - Deletes requirements that a copy of the recorded development agreement be submitted to the state land planning agency within 14 days after the agreement is recorded and for the effectiveness of the agreement based on receipt by the state land planning agency.
110. Section 163.3245(1)
    - Changes "Optional Sector Plans" to "Sector Plans" and clarifies the intent to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale and protection of regionally significant resources, including regionally significant water courses and wildlife corridors. Revises the amount of geographic area intended for sector plans from at least 5,000 acres to at least 15,000 acres and protection of public facilities.
111. Section 163.3245(2)
    - Deletes provisions for the state land planning agency entering into an agreement to authorize preparation of an optional sector plan, and consideration of the state comprehensive and strategic regional policy plans, and clarifies the process for scoping meetings and joint planning agreements.
112. Section 163.3245(3)
    - Modifies the provisions for two levels of sector planning, clarifying the requirements for the long term master plan and detailed specific area plan. These plans may be based upon a planning period longer than timeframe on which the local comprehensive plan is based and are not required to demonstrate need. The state land planning agency is required to consult with certain other agencies as part of its review of the plans.
113. Section 163.3245(4) [New]
    - Requires consistency with any long-range transportation plan and regional water supply plans, including consideration of water supply availability and consumptive use permitting.
114. Section 163.3245(5)(d) [New]
    - Requires the detailed specific area plan to establish a buildout date until which the approved development is not subject to downzoning, unit density reduction or intensity reduction, with certain exceptions.
115. Section 163.3245(6) [New]
    - Establishes provisions for master development approval, pursuant to section 380.06(21), for the entire planning area in order to establish a buildout date and describes the level of detail appropriate for review of the application.
116. Section 163.3245(7) [New]

- Establishes provisions for a developer within an area subject to a long-term master plan or detailed specific area plan to enter into a development agreement.

117. Section 163.3245(8) [New]
    - Establishes provisions for landowner withdrawal of consent to the master plan relative to proposed and adopted amendments.
118. Section 163.3245(9) [New]
    - Allows the right to continue, after adoption of a long-term master plan or a detailed specific area plan, existing agricultural or silvicultural uses or other natural resource-based operations or establishment of similar new uses that are consistent with plans approved pursuant to this section.
119. Section 163.3245(10) [New]
    - Allows the state land planning agency to enter into an agreement with a local government that on or before July 1, 2011 adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres based on certain requirements.
120. Section 163.3245(11) [New]
    - Addresses a detailed specific area plan to implement a conceptual long-term buildout overlay found in compliance before July 1, 2011.
121. Section 163.3245(12) [New]
    - Provides for a landowner or developer that has received approval of a master DRI development order to implement this order by filing application(s) to approve the detailed specific area plan.
122. Section 163.3246(9)(a)
    - Modifies provisions in the local government comprehensive planning certification program to allow small scale development amendments to follow the process in section 163.3187.
123. Section 163.3246(12)
    - Deletes provisions in the local government comprehensive planning certification program that address the failure to adopt a timely evaluation and appraisal report and failure to adopt an evaluation and appraisal report found to be sufficient.
124. Section 163.3246(14) [Deleted]
    - Deletes the requirement that the Office of Program Policy Analysis and Government Accountability prepare a report evaluating the certification program.
125. Section 163.32465; Now: Repealed
    - See prior entries for description of repealed provisions.
126. Section 163.3248 [New]
    - Establishes provisions for Rural Land Stewardship Areas, which were provided for as part of the innovative and flexible planning and development strategies in now repealed section 163.3177(11).
127. Section 163.3248(1) [New]
    - Sets forth the intent of Rural Land Stewardship Areas
128. Section 163.3248(2) [New]

- Establishes a process upon which local governments may adopt a future land use overlay, which may not require a demonstration of need based on population projections or any other factors.

129. Section 163.3248(3) [New]
    - Sets forth six broad principles of rural sustainability that rural land stewardship areas are to further.
130. Section 163.3248(4) [New]
    - Provides for agency assistance and participation to local governments or property owners in development of a plan for rural land stewardship area.
131. Section 163.3248(5) [New]
    - Requires that a rural land stewardship area not be less than 10,000 acres, is located outside of municipalities and established urban service areas and is designated by plan amendment by each local government with jurisdiction.
132. Section 163.3248(5)(a)-(d) [New]
    - Requires the plan amendment(s) designating a rural land stewardship area to be reviewed pursuant to section 163.3184 and to meet certain requirements involving criteria for designating receiving areas, the application of innovative planning and development strategies, a process for implementing these strategies and a mix of densities and intensities that would not be characterized as urban sprawl.
133. Section 163.3248(6) [New]
    - Requires a receiving area to be designated only pursuant to procedures established in the local government's land development regulations. If approval of the designation by a county board of county commissioners is required, it is to be made by resolution with a simple majority vote. A listed species survey must be performed and coordinated with appropriate agencies if listed species occur on the receiving area development site. Protective measures must be based on the rural land stewardship area as a whole.
134. Section 163.3248(7) [New]
    - Sets forth requirements for establishing a rural land stewardship overlay zoning district and methodology for the creation, conveyance, and use of transferrable rural land use/stewardship credits.
135. Section 163.3248(8)(a)-(k) [New]
    - Sets forth limitations for creating, assigning and transferring stewardship credits based on underlying permitted uses, densities and intensities, and considerations for assigning credits based on the value and location of land and environmental resources.
136. Section 163.3248(9)(a)-(e) [New]
    - Provides for incentives to owners of land within rural land stewardship sending areas, in addition to use or conveyance of credits, to enter into rural land stewardship agreements.
137. Section 163.3248(10) [New]

- Expresses the intent of the section as an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas.

138. Section 163.3248(11) [New]
    - Expresses the intent of the Legislature that the rural land stewardship area in Collier County be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.
139. Section 163.360(2)(a)
    - Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."
140. Section 163.516(3)(a)
    - Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."

2012: [Chapters 2012-5, 2012-75, 2012-83, 2012-90, 2012-96 and 2012-99, Laws of Florida]

1. Section 163.3162(2)(a)
    - Rewords the definition of "farm" to the same meaning provided in section 823.14
2. Section 163.3162(2)(b)
    - Rewords the definition of farm operation to the same meaning provided in section 823.14
3. Section 163.3162(2)(d)
    - Adds a definition of "governmental entity," which has the same meaning provided in section 164.1031. The term does not include a water control district or a special district created to manage water.
4. Section 163.3162(3)(b)
    - Changes "county" to "governmental entity"
5. Section 163.3162(3)(c)
    - Changes "county" to "governmental entity"
6. Section 163.3162(3)(c)3.
    - Changes "county" to "governmental entity"
7. Section 163.3162(3)(c)3.(i)
    - Changes "county" to "governmental entity"
8. Section 163.3162 Note
    - Adds provisions related to agricultural enclaves
9. Section 163.3167(8)
    - Provides that any local government charter provision that was in effect as of June 1, 2011 for an initiative or referendum process for development orders or comprehensive plan amendments may be retained and implemented
10. Section 163.3174(4)(b)

- Changes the "preparation of the periodic reports" to "the periodic evaluation and appraisal of the comprehensive plan"

11. Section 163.3175(5)
    - Adds "advisory" to define the commanding officer's comments on the impact of proposed changes on military bases, and requires the comments to be based on appropriate data and analysis which must be provided to the local government with the comments
12. Section 163.3175(5)(d)
    - Requires local governments to consider the commanding officer's comments in the same manner as comments from other reviewing agencies, and deletes the language that states the comments are not binding.
13. Section 163.3175(6)
    - Adds language requiring the local government to consider the accompanying data and analysis provided by the commanding officer, in addition to the comments, and adds language stating that consideration shall be based on how the change relates to the strategic mission of the base, public safety and the economic vitality of the base while respecting private property rights
14. Section 163.3177(1)(f)3.
    - Changes the "University of Florida's Bureau of Economic and Business Research" to the "Office of Economic and Demographic Research" and adds language stating that population projections must, at a minimum, reflect each area's proportional share of the total county population and the total county population growth
15. Section 163.3177(6)(a)4.
    - Changes the "University of Florida's Bureau of Economic and Business Research" to the "Office of Economic and Demographic Research"
16. Section 163.3177(6)(a)8.c.
    - Changes the requirement that future land use map amendments be based on an analysis of the minimum amount of land needed as determined by the local government, to instead be based on an analysis of the minimum amount of land needed to achieve the requirements of the statute
17. Section 163.3177(6)(f)2.
    - Deletes the requirement that the housing element be based in part on an inventory taken from the latest Census
18. Section 163.31777(3)
    - Moves the exemptions from having a public school interlocal agreement from section 163.3180(6)(i) to section 163.31777(3)
19. Section 163.31777(4)
    - Adds language requiring each local government exempt from having a public school interlocal agreement to assess at the time of evaluation and appraisal if the local government still meets the requirements for exemptions described in section 163.31777(3). Each local government that is exempt must comply with the interlocal

agreement provisions within one year of a new school within the municipality being proposed in the 5-year district facilities work program

20. Section 163.3178(3)
    - Replaces "Department of Community Affairs" with "state land planning agency" and changes the language that stated intermodal transportation facilities "shall" not be designated as developments of regional impact to "may" not be designated as developments of regional impact.
21. Section 163.3178(6)
    - Deletes the provision that the Coastal Resources Interagency Management Committee shall identify incentives to encourage local governments to adopt siting plans and uniform criteria and standards to be used by local governments to implement state goals related to marina siting
22. Section 163.3180(1)(a)
    - Adds language stating that an amendment that rescinds concurrency shall be processed under the expedited state review process, and is not required to be transmitted to reviewing agencies for comment, except for agencies that have requested transmittal, and for municipal amendments, it must be transmitted to the county. A copy of the adopted amendment shall be transmitted to the state land agency. If the amendment rescinds transportation or school concurrency, the adopted amendment must also be sent to the Department of Transportation or Department of Education, respectively.
23. Section 163.3180(6)(a)
    - Provides general rewording. Adds language to clarify that the choice of one or more municipality to not adopt school concurrency does not preclude implementation of school concurrency within other jurisdictions of the school district.
24. Section 163.3180(6)(i)
    - Moved to section 163.31777(3)
25. Section 163.3184(2)(c)
    - Adds developments that are proposed under section 380.06(24)(x) to the list of amendments that must follow the state coordinated review process.
26. Section 163.3184(3)(b)1.
    - Added the word "working" to clarify the number of days a local government has to transmit an amendment
27. Section 163.3184(3)(b)2.
    - Changed the time limit for the reviewing agencies' transmittal to 30 days "after" instead of "from" the date the amendment was received
28. Section 163.3184(3)(c)2.
    - Added the word "working" to clarify the number of days a local government has to transmit an amendment
29. Section 163.3184(4)(b)

- Changes the time limit a local government has to transmit an amendment from "immediately following" the first public hearing to " within 10 working days after" the first public hearing

30. Section 163.3184(4)(e)2.
    - Added the word "working" to clarify the number of days a local government has to transmit an amendment
31. Section 163.3184(5)(b)
    - Corrects the citation related to plan amendment package completeness from (3)(c)3. to (4)(e)3.
32. Section 163.3184(5)(d)
    - Changes the time limit by which the Administration Commission must enter into a final order from 45 days after the receipt of the recommended order to the time period specified in section 120.569.
33. Section 163.3184(5)(e)1.
    - Changes the time limit for the state land planning agency to submit a not in compliance recommended order to the Administration Commission from no later than 30 days after the receipt of the recommended order to the time period provided in section 120.569
34. Section 163.3184(5)(e)2.
    - Changes the time limit by which the state land planning agency must enter into an in compliance final order from 30 days after the receipt of the recommended order to the time period provided in section 120.569
35. Section 163.3184(6)(f)
    - Changes the time period by which the state land planning agency must issue a cumulative notice of intent from "upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement" to "within 20 days after receiving a complete plan or plan amendment adopted pursuant to a compliance agreement"
36. Section 163.3184(8)(b)1.a.
    - Changes the statutory reference for the Florida Small Cities Community Development Block Grant program
37. Section 163.3184(12)
    - Changes "subsection" to "section"
38. Section 163.3191(3)
    - Changes "in accordance with" to "pursuant to" and adds (4) to the section 163.3184 citation.
39. Section 163.3204
    - Replaces "Department of Community Affairs" with "state land planning agency" and changes "this" Act to "the Community Planning Act"
40. Section 163.3213(6)
    - Changes the citation that refers to the sanctions that can be the sole issue before the Administration Commission when land development regulations are inconsistent with

the comprehensive plan from section 163.3184(11)(a) or (b) to sections 163.3184(8)(a) or (b)1. or 2.

41. Section 163.3221(14)
    - Changes the definition of state land planning agency to refer to the Department of Economic Opportunity instead of the Department of Community Affairs
42. Section 163.3245(1)
    - Deletes the reference to section 163.3177(11)
43. Section 163.3245(7)
    - Deletes the requirement that the department provide an annual status report to the legislature regarding every optional sector plan.
44. Section 163.3245(9)
    - Adds "or her" to "his consent to the master plan"
45. Section 163.3246(1)
    - Replaces "Department of Community Affairs" with "state land planning agency"
46. Section 163.3247(5)(a)
    - Replaces "Secretary of Community Affairs" with "executive director of the state land planning agency"
47. Section 163.3247(5)(b)
    - Replaces "Department of Community Affairs" with "state land planning agency"
48. Section 163.3248(6)
    - Removes the word "county" from "board of commissioners"

2013: [Chapters 2013-15, 2013-78, 2013-115, 2013-213, 2013-224 and 2013-239, Laws of Florida]

1. Section 163.2136(3)(c)-(k) [re-numbered]
    - Re-numbers section 163.3162(3)(b)-(j) as 163.3162(3)(c)-(k) in order to accommodate new section 163.3162(3)(b) – see item 4 below.
2. Section 163.3162(2)(d)
    - Amends the definition of "governmental entity" in the provisions for agricultural lands and practices, clarifying that in addition to not including a water control district established under chapter 298 or a special district created by special act for water management purposes, the term does not include a water management district.
3. Section 163.3162(3)(a)
    - Replaces "county" with "governmental entity."
4. Section 163.3162(3)(b) [New]
    - Prohibits a governmental entity from charging a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land pursuant to section 193.461, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and

Consumer Services, or a water management district as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

5. Section 163.3167(8)(a) [New]
    - Clarifies the provisions for growth management that an initiative or referendum process in regard to any development order is prohibited. Removes language that allowed an initiative or referendum process by a local government charter in effect as of June 1, 2011 to be retained and implemented.
6. Section 163.3167(8)(b) [New]
    - Clarifies that an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited, except for those amendments that affect more than five parcels of land if it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. A general local government charter provision for an initiative or referendum process is not sufficient.
7. Section 163.3167(8)(c) [New]
    - States the intent of the Legislature is to prohibit any initiative and referendum in regard to any development order, and prohibit any initiative and referendum in regard to any local comprehensive plan or map amendment except as specifically and narrowly permitted in paragraph (b). States these prohibitions are remedial in nature and apply retroactively to any initiative or referendum process commenced after June 1, 2011, clarifying that any such initiative or referendum process that has been commenced or completed thereafter is null and void and of no legal force and effect.
8. Section 163.3180(5)(h)1 [New]
    - Revises and adds requirements for local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, Chapter 2011-139, Laws of Florida, or as subsequently modified.
9. Section 163.3180(5)(h)1.c [New]
    - Adds "development agreement" in the listed land use development permits for which an applicant may satisfy transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system and section 380.06 when applicable, if conditions in subsequent sections are met.
10. Section 163.3180(5)(h)1.c.II [New]
    - Adds language allowing a local government to accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.
11. Section 163.3180(5)(h)1.d [New]
    - Modifies language to require local governments that continue to implement a transportation concurrency system to "provide the basis upon which the landowners

will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.

12. Section 163.3180(5)(h)3 [New]
    - Clarifies that a local government is not required to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.
13. Section 163.3180(5)(i) [New]
    - Sets forth new provisions for any local government that elects to repeal transportation concurrency.
    - Encourages adoption of alternative mobility funding system that uses one or more of the tools and techniques identified in subsection (f).
    - Clarifies that any alternative mobility funding system adopted may not be used to deny, time or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. States that the revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed.
    - Requires a mobility fee-based funding system to comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in subsection (h).
14. Section 163.3246(1),(4)-(7), (9)(a), (12) and (13)
    - Changes numerous references in the provisions for the local government comprehensive planning certification program from "department" to "state land planning agency."
15. Section 163.325 [New]
    - Creates short title for sections 163.325-163.3253 as the "Manufacturing Competitiveness Act."
16. Section 163.3251(1)–(6) [New]
    - Creates six definitions as used in the provisions for manufacturing development in sections 163.3251-163.3253:
        - (1) "Department" means Department of Economic Opportunity;
        - (2) "Local government development approval" means a local land development permit, order, or other approval issued by a local government, or a modification of such permit, order, or approval, which is required for a manufacturer to physically locate or expand and includes, but is not limited to, the review and approval of a master development plan required under section 163.3252(2)(c).
        - (3) "Local manufacturing development program" means a program enacted by a local government for approval of master development plans under section 163.3252.

- (4) "Manufacturer" means a business that is classified in Sectors 31-33 of the National American Industry Classification System (NAICS) and is located, or intends to locate, within the geographic boundaries of an area designated by a local government as provided under section 163.3252.
- (5) "Participating agency" means: (a) The Department of Environmental Protection, (b) The Department of Transportation, (c) The Fish and Wildlife Conservation Commission, when acting pursuant to statutory authority granted by the Legislature and (d) Water management districts.
- (6) "State development approval" means a state or regional permit or other approval issued by a participating agency, or a modification of such permit or approval, which must be obtained before the development or expansion of a manufacturer's site, and includes, but is not limited to, those specified in section163.3253(1).

17. Section 163.3252 [New]
    - Setting forth provisions for a local manufacturing development program and master development approval for manufacturers, allows a local government to adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for the development or expansion of sites that are, or are proposed to be, operated by manufacturers at specified locations within the local government's geographic boundaries.
18. Section 163.3252(1)(a) and (b) [New]
    - Requires a local government that elects to establish a local manufacturing development program to submit a copy of the ordinance establishing the program to DEO within 20 days after the ordinance is enacted.
    - A local government ordinance adopted before the effective date of this act establishes a local manufacturing development program if it satisfies the minimum criteria established in subsection (3) and if the local government submits a copy of the ordinance to DEO on or before September 1, 2013.
19. Section 163.3252(2)[New]
    - Requires DEO to develop a model ordinance to guide local governments that intend to establish a local manufacturing development program by December 1, 2013. Requires the model ordinance, which need not be adopted by a local government, to include the elements set forth in sections 163.3252(2)(a)-(k).
20. Section 163.3252(2)(a) [New]
    - Requires the model ordinance to include procedures for a manufacturer to apply for a master development plan and procedures for a local government to review and approve a master development plan.
21. Section 163.3252(2)(b) [New]
    - Requires the model ordinance to identify those areas within the local government's jurisdiction which are subject to the program.
22. Section 163.3252(2)(c)1-4 [New]

- Requires the model ordinance to include the minimum elements for a master development plan, including but not limited to:
    - (1) A site map
    - (2) A list proposing the site's land uses
    - (3) The maximum square footage, floor area ratio, and building heights for future development on the site, specifying with particularity those features and facilities for which the local government will require the establishment of maximum dimensions, and
    - (4) Development conditions

23. Section 163.3252(2)(d)1-11 [New]
    - Requires the model ordinance to include a list of development impacts, if applicable to the proposed site, which the local government will require to be addressed in a master development plan, including but not limited to:
        - (1) Drainage
        - (2) Wastewater
        - (3) Potable water
        - (4) Solid waste
        - (5) Onsite and offsite natural resources
        - (6) Preservation of historic and archeological resources
        - (7) Offsite infrastructure
        - (8) Public services
        - (9) Compatibility with adjacent offsite land uses
        - (10) Vehicular and pedestrian entrance to and exit from the site, and
        - (11) Offsite transportation impacts
24. Section 163.3252(2)(e) [New]
    - Requires the model ordinance to include a provision vesting any existing development rights authorized by the local government before the approval of a master development plan, if requested by the manufacturer.
25. Section 163.3252(2)(f) [New]
    - Requires the model ordinance to include whether an expiration date is required for a master development plan and, if required, a provision stating that the expiration date may not be earlier than 10 years after the plan's adoption.
26. Section 163.3252(2)(g)1 and 2 [New]
    - Requires the model ordinance to include a provision limiting the circumstances that require an amendment to an approved master development plan to: (1) Enactment of state law or local ordinance addressing an immediate and direct threat to the public safety that requires an amendment to the master development order, and (2) Any revision to the master development plan initiated by the manufacturer.
27. Section 163.3252(2)(h) [New]

- Requires the model ordinance to include a provision stating the scope of review for any amendment to a master development plan is limited to the amendment and does not subject any other provision of the approved master development plan to further review.

28. Section 163.3252(2)(i) [New]
    - Requires the model ordinance to include a provision stating that, during the term of a master development plan, the local government may not require additional local development approvals for those development impacts listed in paragraph (d) that are addressed in the master development plan, other than approval of a building permit to ensure compliance with the state building code and any other applicable state-mandated life and safety code.
29. Section 163.3252(2)(j) [New]
    - Requires the model ordinance to include a provision stating that, before commencing construction or site development work, the manufacturer must submit a certification, signed by a licensed architect, engineer, or landscape architect, attesting that such work complies with the master development plan.
30. Section 163.3252(2)(k) [New]
    - Requires the model ordinance to include a provision establishing the form that will be used by the local government to certify that a manufacturer is eligible to participate in the local manufacturing development program adopted by that jurisdiction.
31. Section 163.3252(3)(a)-(d) [New]
    - Requires a local manufacturing development program ordinance to as a minimum be consistent with subsection (2) and establish procedures for (a) Reviewing an application from a manufacturer for approval of a master development plan, (b) Approving a master development plan, which may include conditions that address development impacts anticipated during the life of the development, (c) Developing the site in a manner consistent with the master development plan without requiring additional local development approvals other than building permits and (d) Certifying that a manufacturer is eligible to participate in the local manufacturing development program.
32. Section 163.3252(4)(a) and (b)1 and 2 [New]
    - Prohibits a local government that establishes a local manufacturing development program from abolishing the program until it has been in effect for at least 24 months.
    - Sets forth provisions for a local government's repealing its local manufacturing development program ordinance, stating that (1) Any application for a master development plan which is submitted to the local government before the effective date of the repeal is vested and remains subject to the local manufacturing development program ordinance in effect when the application was submitted; and (2) The manufacturer that submitted the application is entitled to participate in the manufacturing development coordinated approval process established in section 163.3253.
33. Section 163.3253 [New]

- Creates provisions for a coordinated manufacturing development approval process, requiring DEO to coordinate the manufacturing development approval process with participating agencies, as set forth in this section, for manufacturers that are developing or expanding in a local government that has a local manufacturing development program.

34. Section 163.3253(1)(a)-(i) [New]
    - Requires the approval process to include collaboration and coordination among, and simultaneous review by, the participating agencies of applications for: (a) Wetland or environmental resource permits, (b) Surface water management permits, (c) Stormwater permits, (d) Consumptive water use permits (e) Wastewater permits, (f) Air emission permits, (g) Permits relating to listed species, (h) Highway or roadway access permits and (i) Any other state development approval within the scope of a participating agency's authority.
35. Section 163.3253(2)(a) and (b) [New]
    - Requires a manufacturer to file its application for state development approval with DEO and each participating agency with proof that its development or expansion is located in a local government that has a local manufacturing development program. If a local government repeals its local manufacturing development program ordinance, a manufacturer developing or expanding in that jurisdiction remains entitled to participate in the process if the manufacturer submitted its application for a local government development approval before the effective date of repeal.
36. Section 163.3253(3)(a) [New]
    - Requires DEO to convene a meeting with one or more participating agencies if a manufacturer requests one at any time during the process and that the participating agencies attend.
    - Allows DEO to participate as necessary to accomplish the purposes set forth in section 20.60(4)(f), does not require the department to mediate between the participating agencies and the manufacturer.
37. Section 163.3253(3)(b) [New]
    - Prohibits DEO from being a party to any proceeding initiated under sections 120.569 and 120.57 that relates to approval or disapproval of an application for state development approval processed under this section.
38. Section 163.3253(3)(c) [New]
    - Prohibits DEO's participation in a coordinated manufacturing development approval process under this section from having any effect on its approval or disapproval of any application for economic development incentives sought under section 288.061 or another incentive requiring DEO approval.
39. Section 163.3253(4)(a) [New]
    - Requires if a participating agency determines an application is incomplete that the participating agency notifies the applicant and DEO in writing of the additional information necessary to complete the application.

- Requires, unless the deadline is waived in writing by the manufacturer, a participating agency to provide a request for additional information to the manufacturer and DEO within 20 days after the date the application is filed with the participating agency.

40. 163.3253(4)(b) [New]
    - If the participating agency does not request additional information within the 20-day period, the participating agency may not subsequently deny the application based on the manufacturer's failure to provide additional information.
41. Section 163.3253(4)(c) [New]
    - Within 10 days after the manufacturer's response to the request for additional information, a participating agency may make a second request for additional information for the sole purpose of obtaining clarification of the manufacturer's response.
42. Section 163.3253(5)(a) [New]
    - Requires, unless the deadline is waived in writing by the manufacturer, each participating agency to take final agency action on a state development approval within its authority within 60 days after a complete application is filed. The 60-day period is tolled by the initiation of a proceeding under sections 120.569 and 120.57.
43. Section 163.3253(5)(b) [New]
    - Requires a participating agency to notify DEO if the agency intends to deny a manufacturers application and, unless waived in writing by the manufacturer, the department shall timely convene an informal meeting to facilitate a resolution.
44. Section 163.3253(5)(c) [New]
    - Unless waived in writing by the manufacturer, if a participating agency does not approve or deny an application within the 60-day period, within the time allowed by a federally delegated permitting program, or, if a proceeding is initiated under sections 120.569 and 120.57, within 45 days after a recommended order is submitted to the agency and the parties, the state development approval within the authority of the participating agency is deemed approved. A manufacturer seeking to claim approval by default under this subsection shall notify, in writing, the clerks of both the participating agency and DEO of that intent. A manufacturer may not take action based upon the default approval until such notice is received by both agency clerks.
45. Section 163.3253(5)(d) [New]
    - Allows the manufacturer at any time after a proceeding is initiated under sections 120.569 and 120.57 to demand expeditious resolution by serving notice on an administrative law judge and all other parties to the proceeding. The administrative law judge is required to set the matter for final hearing no more than 30 days after receipt of such notice. After the final hearing is set, a continuance may not be granted without the written agreement of all parties.
46. Section 163.3253(6) [New]
    - Provides that subsections (4) and (5) do not apply to permit applications governed by federally delegated or approved permitting programs to the extent that subsections (4)

and (5) impose timeframes or other requirements that are prohibited by or inconsistent with such federally delegated or approved permitting programs.

47. Section 163.3253(7) [New]
    - Allows the state land planning agency to adopt rules to administer section 163.3253.
48. Section 163.340(2)
    - Revises the definitions to replace a reference to section 165.031(5) in the definition of "public body" to section 165.031(7).
49. Note to Section 163.3162 (2012 version of statute)
    - Repeals section 4 of Chapter 2012-75, Laws of Florida, which had established an alternate method for certain landowners to apply to DEO for an agricultural enclave designation. The right to apply for ag enclave designation under the alternate method expired on January 1, 2013.

2014: [Chapters 2014-93, 2014-178, and 2014-218, Laws of Florida]

1. Section 163.3167(8)(b)
    - Deletes the provision that an initiative or referendum in regards to a comprehensive plan amendment or map amendment is only allowed if it affects more than five parcels of land.
2. Section 163.3167(8)(c)
    - Deletes the provision that an initiative or referendum in regards to a comprehensive plan amendment or map amendment is only allowed if it affects more than five parcels of land.
3. Section 163.3177(7)(a)2.
    - Changes "rural areas of critical economic concern" to "rural areas of opportunity"
4. Section 163.3177(7)(a)3.b.
    - Changes "rural area of critical economic concern" to "rural area of opportunity"
5. Section 163.3177(7)(e)
    - Provides general re-wording and changes "rural area of critical economic concern" to "rural area of opportunity"
6. Section 163.3187(3)
    - Changes "rural area of critical economic concern" to "rural area of opportunity"
7. Section 163.3202(1)
    - Requires that local governments must adopt, amend, and enforce land development regulations that are consistent with and implement the comprehensive plan within one year after submission of the comprehensive plan or amended comprehensive plan pursuant to section 163.3191, Florida Statutes (evaluation and appraisal process), instead of section 163.3167(2), Florida Statutes (requirement that each local government maintain a comprehensive plan).
8. Section 163.3206(1) [New]
    - Provides legislative intent related to the importance of fuel terminals.

9. Section 163.3206(2)(a)1.-9. [New]
    - Provides a definition of fuel with cross references
10. Section 163.3206(2)(b) [New]
    - Provides a definition of fuel terminal
11. Section 163.3206(3) [New]
    - Provides that after July 1, 2014, a local government may not amend its comprehensive plan, land use map, zoning districts, or land use regulations to conflict with a fuel terminal's classification as a permitted and allowable use, including an amendment that causes a fuel terminal to be a nonconforming use, structure, or development.
12. Section 163.3206(4) [New]
    - Provides that if a fuel terminal is damaged or destroyed due to a natural disaster or other catastrophe, a local government must allow the timely repair of the fuel terminal to its capacity before the natural disaster or catastrophe.
13. Section 163.3206(5) [New]
    - Provides that the section does not limit the authority of a local government to adopt, implement, modify, and enforce applicable state and federal requirements for fuel terminals, including safety and building standards. Local authority may not conflict with federal or state safety and security requirements.
14. Section 163.3246(10)
    - Changes "rural area of critical economic concern" to "rural area of opportunity"

2015: [Chapter 2015-30, sections 1-6, Laws of Florida, effective May 15, 2015; Chapter 2015-69, section 1, Laws of Florida, effective July 1, 2015]

1. Section 163.3178, **Coastal Management Element** (Chapter 2015-69, section 1, Laws of Florida)
    - Adds requirements for the redevelopment component of the Coastal Management Element to:
        - Reduce the flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.
        - Remove coastal real property from FEMA flood zone designations.
        - Be consistent with or more stringent than the flood resistant construction requirements in the Florida Building Code and federal flood plain management regulations.
        - Require construction seaward of the coastal construction control line to be consistent with chapter 161, Florida Statutes.
        - Encourage local governments to participate in the National Flood Insurance Program Community Rating System to achieve flood insurance premium discounts for their residents.
2. Section 163.3175(9), **Compatibility of Development with Military Installations** (Chapter 2015-30, section 1, Laws of Florida)

- Deletes obsolete provisions establishing 2012 deadlines for a local government to adopt plan amendments related to military base compatibility.

3. Section 163.3177(6)(c)4., **Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element** (Chapter 2015-30, section 2, Laws of Florida)
    - Provides that a local government that does not own, operate, or maintain its own water supply facilities and is served by a public water utility with a permitted allocation of greater than 300 million gallons per day is not required to amend its comprehensive plan in response to an updated regional water supply plan or maintain a work plan if the local government's usage of water is less than 1 percent of the public water utility's total permitted allocation.
    - The local government must cooperate with any local government or utility provider that provides service within its jurisdiction.
    - The local government must keep the element up to date in accordance with section 163.3191 (evaluation and appraisal).

4. Section 163.3184(2), **Comprehensive Plan/Plan Amendment Procedures** (Chapter 2015-30, section 3, Laws of Florida)
    - The list of plan amendments subject to the coordinated state review process is expanded to include plan amendments that propose an amendment to an adopted sector plan and plan amendments that propose a development that qualifies as a development of regional impact pursuant to section 380.06, Florida Statutes.
5. Section 163.3245, **Sector Plans** (Chapter 2015-30, section 4, Laws of Florida)
    - For both the long-term master plan and detailed specific area plans, provisions in the Community Planning Act that are inconsistent with or are superseded by the planning standards in sections 163.3245(3)(a) and (b) do not apply.
    - Conservation easements may be based on digital orthophotography that meets certain criteria.
    - A conservation easement may include a provision for the grantor to substitute other land that meets certain criteria by recording an amendment to the conservation easement; substitution requires the consent of the grantee, which consent shall not be unreasonably withheld (sections 163.3245(3)(b)7. and 9.).
    - An applicant for a detailed specific area plan must transmit a copy of the application to reviewing agencies, which must provide written comments to the local government within 30 days after the applicant transmits the application (section 163.3245(3)(f)).
    - Authorizes the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, or the water management district to accept a conservation easement provided for a detailed specific area plan as mitigation under chapters 373 and 379 and section 373.414, Florida Statutes (section 163.3245(3)(h)).
    - Clarifies that adoption of a long-term master plan or a detailed specific area plan does not limit the right to establish new agricultural or silvicultural uses in the sector plan or detailed specific area plan area (section 163.3245(9)).

- An applicant with an approved master development order may request that the water management district issue a consumptive use permit for the same time period as the approved master development order (section 163.3245(13)).
- The more specific provisions of this section supersede the generally applicable provisions of this chapter which otherwise would apply.
- This section does not preclude a local government from requiring data and analysis beyond the minimum criteria established by this section (section 163.3245(15)).

6. Section 163.3246(11) and (14) **Local Government Comprehensive Planning Certification Program – Connected-City Corridor Pilot Program** (Chapter 2015-30, section 5, Laws of Florida)
    - Deletes requirements for notice to and coordination by regional planning councils in connection with developments of regional impact within a certified local government.
    - Creates a connected-city corridor plan amendment pilot program.
    - Expresses legislative intent to encourage growth of high-technology industry and innovation through a locally controlled comprehensive plan amendment process.
    - Establishes Pasco County as a pilot community for connected-city corridor plan amendments for a period of 10 years.
    - Requires the state land planning agency to issue a written notice of certification to Pasco County by July 15, 2015 that includes the geographic boundary of the connected-city corridor and a requirement for annual or biennial monitoring reports.
    - Provides that the notice of certification is subject to challenge under section 120.569.
    - Establishes criteria for connected-city corridor plan amendments.
    - Provides that except for site-specific access management requirements, development in the certification area is deemed to satisfy concurrency if the County adopts a long-term transportation network plan and financial feasibility plan.
    - Provides an exemption from development of regional impact review.
    - Requires that the Office of Program Policy Analysis and Government Accountability provide a report and recommendations for implementing a statewide program to the Governor, President of the Senate, and Speaker of the House by December 1, 2024.
7. Section 163.3248(4), **Rural Land Stewardships** (Chapter 2015-30, section 6, Laws of Florida)
    - Deletes regional planning councils as entities that provide assistance and participate in developing a plan for the rural land stewardship area.

ORDINANCE NO. 09-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH ENTITLED "SEVENTH AMENDMENT TO THE FORT MYERS BEACH COMPREHENSIVE PLAN"; ESTABLISHING PURPOSE AND INTENT; AMENDING CHAPTER 1, INTRODUCTION; AMENDING CHAPTER 4, FUTURE LAND USE ELEMENT; AMENDING CHAPTER 5, COASTAL MANAGEMENT ELEMENT; AMENDING CHAPTER 6, CONSERVATION ELEMENT; AMENDING CHAPTER 7, TRANSPORTATION ELEMENT; AMENDING CHAPTER 8, UTILITIES ELEMENT; AMENDING CHAPTER 9, STORMWATER MANAGEMENT ELEMENT; AMENDING CHAPTER 11, CAPITAL IMPROVEMENTS ELEMENT; AMENDING CHAPTER 14, INTERGOVERNMENTAL COORDINATION ELEMENT; ADDING CHAPTER 16, PUBLIC SCHOOLS ELEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 166, *Florida Statutes*, empowers the Town Council of the Town of Fort Myers Beach to prepare and enforce a comprehensive plan for the future development and redevelopment of the town; and

WHEREAS, in the exercise of this authority the Town Council adopted an entirely new Fort Myers Beach Comprehensive Plan through Ordinance No. 98-14; and

WHEREAS, in the further exercise of this authority the Town Council has adopted a first set of amendments to the Fort Myers Beach Comprehensive Plan through Ordinance No. 00-15; a second set through Ordinance No. 01-07; a third set through Ordinance No. 02-07; a fourth set through Ordinance No. 03-13; a fifth set through Ordinance No. 04-10; and a sixth set through Ordinance No. 04-13; and

WHEREAS, the Town Council has determined that certain additional amendments to that plan are needed to implement its Evaluation/Appraisal Report and to comply with recent amendments to state law, and has therefore directed the necessary research and analysis in support thereof; and

WHEREAS, in consideration of these amendments, the Fort Myers Beach Local Planning Agency held public hearings on March 18, May 20, and November 18, 2008, and the Town Council held its transmittal public hearings on November 17 and December 15, 2008, at which time it voted to transmit the proposed amendments for review by state, regional, and local agencies; and

WHEREAS, the Florida Department of Community Affairs, by letter dated March 13, 2009, provided the town with its objections, recommendations, and comments; and

WHEREAS, pursuant to Section 163.3184, *Florida Statutes*, the Town Council scheduled its first public hearing to consider this ordinance on June 15, 2009, which was continued until July 20, 2009, and then held its second and final public hearing on this ordinance and these amendments on August 17, 2009.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The above "whereas" clauses are incorporated herein as though fully set forth.

SECTION 2. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3217 and Chapter 166, *Florida Statutes*, as amended.

SECTION 3. Structure of the Fort Myers Beach Comprehensive Plan. The existing Fort Myers Beach Comprehensive Plan is published as a single volume that contains the adopted portions of the plan and a narrative that summarizes the data, analysis, and extensive research upon which each element of the plan was based. The current plan is organized into 15 chapters, one for each element of the plan. Only the following specific portions of that volume have been formally adopted as the Fort Myers Beach Comprehensive Plan:

All of Chapters 1, 2, and 15.
All goals, objectives, and policies found in Chapters 3 through 14.
The "Future Land Use Map" (Figure 16 in the Future Land Use Element).
The "Future Transportation Map" (Figure 18 in the Transportation Element).
The five-year schedule of capital improvements (Table 11-7 in the Capital Improvements Element)

The amendments being made by this Ordinance affect both the narrative and adopted portions of the plan, as specifically described below. For amendments to existing elements, language being added is underlined and language being deleted is ~~struck through~~.

SECTION 4. Application 2008-01-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended by completely revising the narrative portion of the Capital Improvements Element; by deleting the adopted five-year schedule of capital improvements (Table 11-7, found on Page 11-22) and by replacing it with a new Table 11-7; by amending Capital Improvements Policies 11-A-1, 11-A-3, 11-B-1, 11-B-5, 11-B-10, and 11-C-3; by adding Capital Improvements Policies 11-A-7 and 11-B-4.5. Exhibit A shows all changes being made in response to Application 2008-01-TEXT.

SECTION 5. Application 2008-02-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended by adding a new Public Schools Element to the comprehensive plan. This new Chapter 16 contains a narrative that summarizes the data, analysis, and extensive research upon which this element is based and an adopted portion of the element which consists of goals, objectives, and policies. This amendment also revises Capital Improvements Policy 11-A-7 and Intergovernmental Coordination Policy 14-A-4. Exhibit B shows all changes being made in response to Application 2008-02-TEXT.

SECTION 6. Application 2008-03-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding "repetitive loss" properties under the National Flood Insurance Program by revising the narrative of the Future Land Use and Coastal Management Elements; by amending Policy 4-D-1 of the Future Land Use Element; and by amending Policy 5-C-7 of the Coastal Management Element. Exhibit C shows all changes being made in response to Application 2008-03-TEXT.

SECTION 7. Application 2008-04-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding "pre-disaster buildback" by revising the narrative and by amending Policy 4-E-1 of the Future Land Use Element. Exhibit D shows all changes being made in response to Application 2008-04-TEXT.

SECTION 8. Application 2008-05-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding "guest units" by revising the narrative and by amending Policy 4-C-6 of the Future Land Use Element. Exhibit E shows all changes being made in response to Application 2008-05-TEXT.

SECTION 9. Application 2008-06-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding short-term lodging establishments by revising the narrative and by adding Policies 4-A-9 and 4-A-10 into the Future Land Use Element. Exhibit F shows all changes being made in response to Application 2008-06-TEXT.

SECTION 10. Application 2008-07-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding maintenance responsibility for Estero Boulevard by amending Policy 7-B-3 and Objective 7-E of the Transportation Element. Exhibit G shows all changes being made in response to Application 2008-07-TEXT.

SECTION 11. Application 2008-08-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding left-turns on Estero Boulevard at Times Square by revising the narrative and by deleting Policy 7-H-3 of the Transportation Element. Exhibit H shows all changes being made in response to Application 2008-08-TEXT.

SECTION 12. Application 2008-09-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding traffic impact analyses for new developments by revising the narrative and by amending Policy 7-J-2 of the Transportation Element. Exhibit I shows all changes being made in response to Application 2008-09-TEXT.

SECTION 13. Application 2008-10-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding timing for completion of a stormwater master plan by amending Objective 9-F of the Stormwater Management Element. Exhibit J shows all changes being made in response to Application 2008-10-TEXT.

SECTION 14. Application 2008-11/12-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended by revising the water supply narrative, amending Policies 8-B-1 and 8-C-6, and adding Policies 8-A-4 and 8-A-5 in the Utilities Element; by amending Policy 6-I-3 in the Conservation Element; by amending Policy 11-A-7 in the Capital Improvements Element; and by amending Policy 14-A-5 in the Intergovernmental Coordination Element. Exhibit K shows all changes being made in response to Application 2008-11/12-TEXT.

SECTION 15. Application 2008-13-TEXT. The Fort Myers Beach Comprehensive Plan is hereby amended regarding the state's new definition of "coastal high-hazard area" by revising the narrative of the Coastal Management Element and by adding Policy 5-A-6 to the Coastal Management Element. Exhibit L shows all changes being made in response to Application 2008-13-TEXT.

SECTION 16. Application 2008-14-MAP. The Fort Myers Beach Comprehensive Plan is hereby amended regarding the state's new definition of "coastal high-hazard area" by adding a map to the Future Land Use Map series, by amending Policy 4-B-2 of the Future Land Use Element, and by amending Chapter 1 to indicate that this new map is an adopted part of the plan. Exhibit M shows all changes being made in response to Application 2008-14-MAP.

SECTION 17. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever beheld invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 18. Effective Date. This ordinance shall become effective immediately upon adoption. However, the comprehensive plan amendments contained herein shall not take effect until the date a final order is issued by the Florida Department of Community Affairs or the Administration Commission finding the amendments to be in compliance in accordance with Chapter 163.3184, *Florida Statutes*.

The foregoing ordinance was enacted by the Town Council upon a motion by Councilmember Babcock and seconded by Councilmember List and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor	aye	Herb Acken, Vice Mayor	aye
Tom Babcock	aye	Jo List	aye
Bob Raymond	absent		

DULY PASSED AND ENACTED this 17th day of August, 2009.

ATTEST:

BY: _____
Michelle Mayher, Town Clerk

Approved as to legal form and sufficiency:

BY: _____
Anne Dalton, Esquire, Town Attorney

TOWN OF FORT MYERS BEACH

BY: _____
Larry Kiker, Mayor

August ##, 2016

Mr. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Economic Opportunity
The Caldwell Building
107 E. Madison Street – MSC 160
Tallahassee, FL 32399-4120

RE: Town of Fort Myers Beach 2016 Evaluation and Appraisal Report (EAR) Notification Letter

Dear Mr. Eubanks,

Per the Evaluation and Appraisal Notification Schedule 2012-2018 posted on the State of Florida Department of Economic Opportunity's website, the Town of Fort Myers Beach, by August 1, 2016, must make a determination as to whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the Town's Comprehensive Plan was updated.

The Town adopted its most recent Evaluation and Appraisal Report based comprehensive plan amendments on August 17, 2009. Town staff and the Town's Local Planning Agency have reviewed the Town's Comprehensive Plan and find that the Plan is consistent with Florida Statutes and the current conditions and vision for the Town. Therefore, the Town has determined that no amendments to the Town of Fort Myers Beach Comprehensive Plan are needed to reflect changes in state requirements as contained in Chapter 163, Part II, Florida Statutes.

Should you have any questions, please contact me at (239) 765-0202, extension 1305 or at Matt@fortmyersbeachfl.gov.

Sincerely,

Matthew A. Noble
Principal Planner
Town of Fort Myers Beach