5.1 *Analysis of Changes to Chapter 163, Florida Statutes (F.S.)*

Table 32 – Changes to Chapter 163, F.S., since the adoption of the 1998 EAR

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5, Laws of Florida]					
1	**Exempted brownfield area** amendments from the **twice-a-year limitation.**	163.3187(1)(g)	N/A		
2	Required that the **capital improvements element** set forth standards for **the management of debt.**	163.3177(3)(a)4.			Add an objective and implementing policies to the Capital Improvements Element (CIE), as applicable, to establish standards for the management of debt.
3	Required inclusion of at least **two planning periods** – at least 5 years and at least 10 years.	163.3177(5)(a)			Include 10-year (long term) planning projections throughout the Plan as necessary and incorporate the 5-year (short term) planning period within analysis as necessary.
4	Allowed **multiple individual plan amendments** to be considered together as one amendment cycle.	163.3184(3)(d)	N/A		
5	**Defined "optional sector plan"** and created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245	N/A		
6	Established the requirements for a **public school facilities element.**	163.3177(12)		A Public School Facilities Element (PSFE) was adopted into the Plan in 2001.	
7	Established the minimum requirements for imposing **school concurrency.**	163.3180(12) **[Now: Section (13)]**	N/A		
8	Required DCA adopt **minimum criteria** for the compliance determination of a **public school facilities element** imposing school	163.3180(13) **[Now: Section14)]**	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	concurrency.				
9	Required that **evaluation and appraisal reports** address coordination of the comp plan with existing public schools and the school district's 5-year work program.	163.3191(2)(i) **[Now: 163.3191(2)(k)]**	N/A		
10	**Amended the definition of "in compliance"** to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)	N/A		
11	Required DCA to **maintain a file with all documents received or generated** by DCA relating to plan amendments and identify; limited DCA's review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	N/A		
12	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 EAR even if* the EAR is insufficient.	163.3187(6)(b)	N/A		
13	Substantially reworded Section 163.3191, F.S., related to **evaluation and appraisal reports.**	163.3191	N/A		
14	Changed the **population requirements** for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	N/A		
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
15	Required that **ports** and local governments in the coastal area, which	163.3178(7)	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	has **spoil disposal responsibilities**, identify dredge disposal sites in the comp plan.				
16	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.	163.3187(1)(h)	N/A		
17	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.	163.3177(6)(a)	N/A		
18	**Added the Growth Policy Act to Ch. 163**, Part II to promote **urban infill and redevelopment.**	163.2511,163.25,14,163.2517,163.2520,163.2523, and 163.2526	N/A		
19	Required that all comp plans comply with the **school siting requirements** by October 1, 1999.	163.3177(6)(a)		Future Land Use Element Objective 1.14 and implementing Policies 1.14.1 through 1.14.4 were adopted into the Plan in 1999.	
20	Made **transportation facilities** subject to concurrency.	163.3180(1)(a)		CIE Policy 1.2.1	
21	Required use of **professionally accepted techniques** for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)	N/A		
22	Excludes **public transit facilities** from **concurrency** requirements.	163.3180(4)(b)	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
23	Allowed **multiuse DRIs** to satisfy the **transportation concurrency** requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)	N/A		
24	Allowed **multimodal transportation districts** in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)	N/A		
25	Exempted amendments for **urban infill and redevelopment areas, public school concurrency** from the **twice-per-year limitation.**	163.31879(1)(h) and (i) **[Now: (i) and (j)]**	N/A		
26	**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.]	163.3220(2)	N/A		
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
27	**Repealed Section 163.3184(11)(c), F.S.**, that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c) **[Now: Repealed]**	N/A		
28	**Repealed Section 163.3187(7)**, F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7) **[Now: Repealed]**	N/A		
29	**Repealed Sections 163.3191(13) and (15)**, F.S.	163.3191(13) and (15) **[Now: Repealed]**	N/A		
30	Allowed **small scale amendments** in **areas of critical state concern** to be exempt from the twice-per-year	163.3187(1)(c)1.e	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	limitation only if they are for affordable housing.				
31	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of **incentives** for new development within **urban infill and redevelopment areas.**	163.2517(3)(j)2.	N/A		
2001: [Ch. 2001-279, s. 64, Laws of Florida]					
32	Created the **rural land stewardship area** program.	163.3177(11)(d)	N/A		
2002: [Ch. 2002-296, ss. 1 - 11, Laws of Florida]					
33	Required that all agencies that review comprehensive plan amendments and rezoning include a **nonvoting representative of the district school board.**	163.3174		Designated County School District personnel are informed in writing of all Comprehensive Plan amendments and are welcomed to attend relevant Local Planning Agency meetings as a nonvoting representative.	
34	Required **coordination of local comprehensive plan** with the regional water supply plan.	163.3177(4)(a)			Amend Infrastructure, Conservation and Intergovernmental Elements as required to comply.
35	**Plan amendments for school-siting** maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)	N/A		
36	Required that by **adoption of the EAR,** 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	163.3177(6)(c)			Amend the Infrastructure Element to meet these requirements within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	facilities.				
37	Required **consideration of the regional water supply plan** in the preparation of the conservation element.	163.3177(6)(d)			Amend the Conservation Element to meet these requirements within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.
38	Required that the **intergovernmental coordination element (ICE)** include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)			Amend the Infrastructure Element to meet these requirements within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.
39	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.	163.3177(6)(h)4.		Public School Facilities Element adopted in 2001.	
40	Required that counties larger than 100,000 population and their municipalities submit a **inter-local service delivery agreements** (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.	163.3177(6)(h)6., 7., & 8.			Amend the Intergovernmental Coordination Element, as necessary, to incorporate the findings of the report that was filed with DCA in December 2003.
41	Required local governments and special districts to provide **recommendations for statutory changes for annexation** to the Legislature by February 1, 2003.	163.3177(6)(h)9.	N/A		
42	Added a **new Section 163.31776** that	163.31776	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.				
43	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.	163.31777		The Town entered into the required interlocal agreement in 2000.	
44	**Added a provision** that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)	N/A		
45	**Expanded the definition of "affected persons"** to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)	N/A		
46	**Expanded the definition of "in compliance"** to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)	N/A		
47	**Streamlined the timing** of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)	N/A		
48	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.	163.3184(15)(c)		Implemented by administrative policy.	
49	**Exempted amendments** related to	163.3187(1)(k)	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).				
50	**Required EARs 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.	163-3191(2)(1)	N/A		
51	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.	163.3215	N/A		
52	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.	163.3246	N/A		
53	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	163.3187(1)	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	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 plan amendments contained in s.163.3187(1).				
54	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.	163.3194(6)	N/A		
2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]					
55	Creates the **Agricultural Lands and Practices Act.**	163.3162	N/A		
	(2): Provides **legislative findings and purpose** with respect to agricultural activities and duplicative regulation.		N/A		
	(3): **Defines the terms "farm," "farm operation," and "farm product"** for purposes of the act.		N/A		
	(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.		N/A		
	(4)(a): Provides that the act does **not limit the powers of a county** under certain circumstances.		N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	(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**.		N/A N/A N/A		
56	Changes "State Comptroller" **references** to "Chief Financial Officer."	163.3167(6)	N/A		
57	Provides for certain **airports** to abandon DRI orders.	163.3177(6)(k)	N/A		
58	Amended to **conform to the repeal** of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)	N/A		
59	Amended to **conform to the repeal** of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)	N/A		
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]					
60	(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. (14): Created to limit the effect of **judicial determinations** issued subsequent to certain development orders pursuant to adopted land	163.3167	N/A N/A		Amend the Infrastructure Element to meet these requirements within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	development regulations.				
61	(1): Provides **legislative findings** on the compatibility of development with **military installations.**	Creates 163.3175.	N/A		
	(2): Provides for the **exchange of information** relating to **proposed land use decisions** between counties and local governments and military installations.		N/A		
	(3): Provides for **responsive comments** by the commanding officer or his/her designee.		N/A		
	(4): Provides for the county or affected local government to **take such comments into consideration.**		N/A		
	(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.		N/A		
	(6): Encourages the commanding officer to provide **information on community planning assistance grants.**		N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
62	(6)(a): • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with **military installations.** • Changed to specifically encourage **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): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for **military installations.** (11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to **rural land stewardship areas.**	163.3177	N/A N/A N/A N/A		Amend the Infrastructure Element to meet these requirements within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	(11)(d)2.: Provides for **multicounty rural land stewardship areas.**				
	(11)(d)3.-4: Revises requirements, including the acreage threshold for designating **a rural land stewardship area.**		N/A		
	(11)(d)6.j.: Provides 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.		N/A		
	(11)(e): Provides legislative findings regarding mixed-use, high-density **urban infill and redevelopment** projects; requires DCA to provide technical assistance to local governments.		N/A		
	(11)(f): Provides legislative findings regarding a program for the transfer of development rights and **urban infill and redevelopment**; requires DCA to provide technical assistance to local governments.		N/A		
63	(1): Provides legislative findings with respect to the shortage of **affordable rentals** in the state.	Creates 163.31771	N/A		
	(2): Provides **definitions.**		N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	(3): Authorizes local governments to permit **accessory dwelling units** in areas zoned for single family residential use based upon certain findings.		N/A		
	(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.		N/A		
	(5): Provides for certain **accessory dwelling units** to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.		N/A		
	(6): Requires the **DCA to report** to the Legislature.		N/A		
64	**Amends the definition of "in compliance"** to add language referring to the **Wekiva Parkway and Protection Act.**	163.3184(1)(b)	N/A		
65	(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.	163.3187	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	(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.		N/A		
66	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.**	163.3191(2)(n)	N/A		
2005 [Ch. 2005-290 and Ch. 2005-291, ss. 10-12, Laws of Florida]					
67	Added the **definition** of **"financial feasibility."**	Creates ss. 163.3164(32)	N/A		
68	(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 (i.e., from 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 plan amendment for the **annual update** of the schedule of capital improvements. **Deleted**	163.3177	N/A		A policy implementing this requirement will be added to the Capital Improvements Element. A policy implementing this requirement will be added to the Capital Improvements Element.

Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
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.		N/A		
(3)(a)6.d.: Required a **long-term capital improvement schedule** if the local government has adopted a long-term concurrency management system.		N/A		
(6)(a): **Deleted** date (October 1, 1999) by which school sitting requirements must be adopted.		N/A		
(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** selected by the local government to meet its water supply needs.				Amend the Infrastructure Element to meet these requirements within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.
(11)(d)4.c.: Required **rural land stewardship areas** to address **affordable housing**.		N/A		
(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.		N/A		

Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
(11)(d)6.: Must enact an ordinance establishing a **methodology** for creation, conveyance, and use of **stewardship credits** within a **rural land stewardship area.**		N/A		
(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.		N/A		
(12): Must adopt **public school facilities element.**			The Public School Facilities Element was adopted in 2001.	
(12)(a) and (b): A **waiver** from providing this element will be allowed under certain circumstances.		N/A		
(12)(g): Expanded list of items to be to include **colocation, location of schools proximate to residential areas,** and use of schools as **emergency shelters.**				The Town is proposing text amendments in Major Issue 3.7 (*Apply State Statutory Changes to Improve the School Concurrency Process*)
(12)(h): Required local governments to provide maps depicting the general **location** of new schools and school improvements within future conditions maps.		N/A		
(12)(i): Required DCA to establish a **schedule for adoption** of the public school facilities element.		N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	(12)(j): Established **penalty** for failure to adopt a public school facility element.		N/A		
	(13): (**New section**) Encourages local governments to develop a "**community vision,**" which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.		N/A		
	(14): (**New section**) Encourages local governments to develop a "**urban service boundary,**" which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).		N/A		
69	163.31776 is **repealed**	163.31776 **[Now: Repealed]**	N/A		
70	(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.	163.31777	N/A		
	(5): Required **Palm Beach County** to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.				The Town will work with the County, School District and other local municipalities that are part of the Public School Concurrency Interlocal Agreement to address the necessary changes to the Public School Facilities Element.

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	(7): Provided that counties exempted from **public school facilities element** shall undergo **re-evaluation** as part of its **EAR** to determine if they continue to meet exemption criteria.		N/A		
71	(1)(a): Added "**schools**" as a required concurrency item.	163.3180	N/A		
	(2)(a): Required consultation with water supplier prior to issuing building permit to ensure "**adequate water supplies**" to serve new development is available by the date of issuance of a certificate of occupancy.				Amend the Infrastructure Element to meet this requirement within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.
	(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.				Amend relevant policies in the Capital Improvements Element to incorporate this requirement.
	(4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).		N/A		
	(5)(d): Required **guidelines for granting concurrency exceptions** to be included in the comprehensive plan.		N/A		
	(5)(e) – (g): If local government has established **transportation exceptions,** the guidelines for implementing the		N/A		

Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
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. FDOT 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 EAR-based amendment is adopted, whichever occurs last.				
(6): Required local government to **maintain records** to determine whether 110% **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% threshold dissolves the de minimis exceptions.				Add a policy to the Capital Improvements Element to incorporate this requirement.
(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 DOT should work together to mitigate		N/A		

Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
any impacts to the Strategic Intermodal System.				
(9)(a): Allowed adoption of a **long-term concurrency management system for schools.**		N/A		
(9)(c): **(New section)** Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a **long-term concurrency management system.**		N/A		
(9)(d): **(New section)** Required evaluation in EAR of progress in improving levels of service.		N/A		
(10): Added requirement that level of service standard for roadway facilities on **the Strategic Intermodal System** must be consistent with FDOT standards. Standards must consider **compatibility with adjacent jurisdictions.**				Add an appropriate policy to the Transportation Element to incorporate this requirement.
(13): Required **school concurrency** (not optional).		N/A		
(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).		N/A		

Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.		N/A		
(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.		N/A		
(13)(e): Allowed school concurrency to be satisfied if a developer executes a **legally binding commitment** to provide mitigation proportionate to the demand.		N/A		
(13)(e)1.: Enumerated mitigation options for achieving **proportionate-share mitigation.**				Add appropriate policies to the Capital Improvements Element to incorporate this requirement.
(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		N/A		
(13)(g)2.: **(Section deleted)** – It is no longer required that a local government		N/A		

Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
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.**		N/A		
(13)(g)7. **[Formerly (13)(g)8.] Deleted** language that allowed local government to terminate or suspend an interlocal agreement with the school board.		N/A		
(13)(h): **(New 2005 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.		N/A		
(15): Prior to adopting **Multimodal Transportation Districts,** FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts		N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	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 2005 section)** Required local governments to adopt by **December 1, 2006** a method for assessing **proportionate fair-share mitigation options**. FDOT will develop a model ordinance by December 1, 2005.		N/A		
72	(17): **(New 2005 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.	163.3184	N/A		
	(18): **(New 2005 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.		N/A		
73	(1)(c)1.f.: Allowed approval of residential land use as **a small-scale development amendment** when the	163.3187	N/A		

	Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	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 2005 provision)** If the small-scale development amendment involves a **rural area of critical economic concern**, a 20-acre limit applies.		N/A		
	(1)(o): **(New 2005 provision)** An amendment to a **rural area of critical economic concern** may be approved without regard to the statutory limit on comprehensive plan amendments.		N/A		
74	(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the **EAR** whether the local government continues to meet the exemption criteria in s.163.3177(12).	163.3191	N/A		
	(2)(l): The **EAR** must determine whether the local government has met its various water supply requirements, **including development of alternative water supply projects**.				Amend the Infrastructure Element to meet this requirement within 18 months after the adoption of the South Florida Water Management District Regional Water Supply Update.
	(2)(o): **(New 2005 provision)** The **EAR** must evaluate whether its **Multimodal Transportation District**		N/A		

Changes to Chapter 163, F.S. 1998-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
has achieved the purpose for which it was created.				
(2)(p): **(New 2005 provision)** The **EAR** must assess **methodology for impacts on transportation facilities.**		N/A		
(10): The **EAR-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 DCA.		N/A		

5.2 Changes to Rule 9J-5, Florida Administrative Code (F.A.C.)

Table 33 – Changes to Rule 9J-5, F.A.C., since the adoption of the 1998 EAR

Changes to Rule 9J-5, F.A.C. 1998-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
October 20, 1998					
1	Established requirements for the **Public School Facilities Element** for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		A Public School Facilities Element (PSFE) was adopted into the Plan in 2001.	
March 21, 1999					
2	Defined **public transit** and **stormwater management facilities**	9J-5.003	N/A		
3	Revised the definitions of **affordable housing, coastal planning area, port facility**, and **wetlands.**	9J-5.003			Housing Element Policy 1.2.1 will be modified to incorporate the revised affordable housing definition. A policy will be added to the Coastal Management Element describing the areas that are located within the Town's coastal planning area consistent with the revised definition.
4	Repeal the definitions of **adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low-income family.**	9J-5.003	N/A		
5	Revised provisions relating to **adoption by reference** into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)			Amend all relevant policies that adopt an external document by reference to comply with the revised rule.
6	Repealed transmittal requirements for proposed **evaluation and appraisal reports**, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal	9J-5.0053(2) through (5)	N/A		

Changes to Rule 9J-5, F.A.C. 1998-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	reports, procedures for adoption of evaluation and appraisal reports. *Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.*				
7	Repealed conditions for **de minimis impact** and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6	N/A		
8	Required the future land use map to show the **transportation concurrency exception area** boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)	N/A		
9	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of **high recharge** and **prime recharge** areas.	9J-5.011(2)			
10	Repealed the **Intergovernmental Coordination** Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)	N/A		
11	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a **Traffic Circulation Element** and that local governments with a population of 50,000 or less are not required to prepare **Mass Transit and**	9J-5.019(1)	N/A		

Changes to Rule 9J-5, F.A.C. 1998-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	Ports, Aviation and Related Facilities Elements.				
12	Required objectives of the Transportation Element to:	9J-5.019(4)(b)			
	• Coordination the siting of new, or expansion of existing **ports, airports, or related facilities** with the Future Land Use, Coastal Management, and Conservation Elements;		N/A		
	• Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system;		N/A		
	• Coordination ports, airports, and related facilities plans with plans of other transportation providers; and		N/A		
	• Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.		N/A		
13	Required policies of the Transportation Element to:	9J-5.019(4)(c)			
	• Provide for safe and convenient **on-site traffic flow**;			Transportation Element Policy 3.4.5	
	• Establish measures for the acquisition and preservation of public **transit** rights-of-way and corridors;				Add a policy to Transportation Objective 2.1 to establish measures for the acquisition and preservation of public transit rights-of-way and corridors.
	• Promote **ports, airports and related facilities** development and expansion;		N/A		
	• Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;		N/A		

Changes to Rule 9J-5, F.A.C. 1998-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	• Protect and conserve natural resources within ports, airports and related facilities;		N/A		
	• Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and		N/A		
	• Protect ports, airports and related facilities from encroachment of incompatible land uses.		N/A		
14	Added standards for the review of **land development regulations** by the Department.	9J-5.022	N/A		
15	Added criteria for determining consistency of **land development regulations** with the comprehensive plan.	9J-5.023	N/A		
February 25, 2001					
16	Defined **general lanes**	9J-5.003	N/A		
17	Revised the definition of "**marine wetlands.**"	9J-5.003	N/A		
18	Repeal the definition of "**public facilities and services.**"	9J-5.003	N/A		
19	Revised procedures for **monitoring**, evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)			Incorporate new procedures for monitoring
20	Repealed requirements for **evaluation and appraisal reports** and evaluation and appraisal amendments.	9J-5.0053	N/A		
21	Revised concurrency management system requirements to include provisions for establishment of **public school concurrency**.	9J-5.005(1) and (2)		PSFE	

Changes to Rule 9J-5, F.A.C. 1998-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
22	Authorized local governments to establish multimodal transportation **level of service standards** and established requirements for **multimodal transportation districts.**	9J-5.0055(2)(b) and (3)(c)	N/A		
23	Authorized local governments to establish **level of service standards** for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)	N/A		
24	Provide that **public transit** facilities are not subject to concurrency requirements.	9J-5.0055(8)	N/A		
25	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a **proportionate share contribution.**	9J-5.0055(9)	N/A		
26	Required the future land use map to show **multimodal transportation district** boundaries, if established.	9J-5.006(4)	N/A		
27	Authorized local governments to establish **multimodal transportation districts** and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)	N/A		
28	Required data for the Housing Element include a description of **substandard dwelling units** and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)			Amend Housing Element support document to reflect definition of substandard dwelling unit in the Rule.
29	Authorized local governments to supplement the **affordable housing needs assessment** with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)			Updated Housing Element support documents will utilize adjusted Shimberg assessment numbers.
30	Required the Intergovernmental Coordination	9J-5.015(3)(b)	N/A		

Changes to Rule 9J-5, F.A.C. 1998-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	Element to include objectives that ensure adoption of **interlocal agreements** within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for **public school concurrency**.				
31	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	• Policies that provide procedures to identify and implement **joint planning areas** for purposes of annexation, municipal incorporation and joint infrastructure service areas;			ICE Policy 2.2.1	
	• Recognize **campus master plan** and provide procedures for coordination of the campus master development agreement;			ICE Policy 2.2.2	
	• Establish joint processes for **collaborative planning** and decision-making with other units of local government;			ICE Objective 2.3, Policies 2.3.1 & 2.3.2	
	• Establish joint processes for collaborative planning and decision making with the school board on **population projections** and siting **of public school facilities**;			ICE Policy 2.2.3	
	• Establish joint processes for the siting of facilities with **county-wide significance**; and		N/A		
	• Adoption of an interlocal agreement for **school concurrency**.			The Town is a party to the ILA adopted in 2001	

Changes to Rule 9J-5, F.A.C. 1998-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
32	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible **public school facilities** program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for **multimodal transportation districts**, if locally established.	9J-5.016(4)(a)		The School District's 6-Year Capital Improvements Schedule is adopted in the Town's Capital Improvements Element	
33	Required the Transportation Element analysis for **multimodal transportation districts** to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)	N/A		
34	Required Transportation Element objectives for **multimodal transportation districts** to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)	N/A		
35	Authorized local governments to establish **level of service standards** for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)	N/A		

5.3 Analysis of Changes to the State Comprehensive Plan

The State Comprehensive Plan (Chapter 187, F.S.) was amended in 1999 by Chapter 99-378 to include policies related to urban policy. Goal 16 of the State Comprehensive Plan, which was identified as Downtown Revitalization, was amended and entitled Urban and Downtown Revitalization. The goal was modified to focus on the State's vital urban centers and the need to develop and redevelop downtowns. The full goal is as follows:

> *In recognition of the importance of Florida's vital urban centers and of the need to develop and redevelop downtowns to the state's ability to use existing infrastructure and to accommodate growth in an orderly, efficient, and environmentally acceptable manner, Florida shall encourage the centralization of commercial, governmental, retail, residential, and cultural activities within downtown areas.*

In addition, the following policies were added to Goal 16:

4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.
5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.
6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.
7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.
8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings.
9. Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional, and state transportation planning.
10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage private sector development.
11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.
12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

Although the Comprehensive Plan has not been revised to specifically address these provisions, the Town will be outlining most of the concepts of these policies in the Major Issues related to infill development and redevelopment and providing strategies for a *transit-ready* community. In general, the Town's Comprehensive Plan is consistent with the State Comprehensive Plan.

5.4 Analysis of Changes to the Regional Policy Plan

Chapter 186, F.S. governs the adoption and revision of the Strategic Regional Policy Plans (SRPP) by Regional Planning Councils. Based on the 1998 EAR, the Town's Comprehensive Plan remains consistent with the Treasure Coast Regional Planning Council's SRPP, which was adopted on December 15, 1995 and was reviewed during their EAR process in 2000. After the final adoption of the SRPP update in 2007, the Town will evaluate the consistency of the Comprehensive Plan and address inconsistencies in the EAR-based amendments or subsequent amendments.

5.5 Schedule for Adopting EAR-based Comprehensive Plan Amendments

Table 34 – Schedule for Adopting EAR-based Comprehensive Plan Amendments
(1 to 18 Months after the EAR is Found Sufficiency)

Months After Sufficiency	***1***	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***	***11***	***12***	***13***	***14***	***15***	***16***	***17***	***18***
Preparation of Amendments	■	■	■	■														
LPA Transmittal Meeting					■													
Town Council Transmittal Hearing						■												
DCA Review Period							■	■										
ORC Report Revision Period									■	■	■	■						
Adoption of Amendments													■					