

Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	Addressed (where/how)
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)	Economic Element Goal IV-2 Future Land Use Element Policy 1-1.3.10 Intergovernmental Coordination Element, Policy VI-1.1.25
Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)	Public School Facilities Sub-Element Policy IX-6.5.1 Intergovernmental Coordination Element, VI-1.8.12
Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)	Transportation Element Objective IX-1.1
Created the rural land stewardship area program.	163.3177(11)(d)	
Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board .	163.3174	Intergovernmental Coordination Element Policy VI-1.8.6, VI-1.8.6
Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)	Intergovernmental Coordination Element Obj. VI-1.3 and Policy VI-1.6.10 Public Facilities Element Policy IX-2.1.8
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 facilities.	163.3177(6)(c)	Intergovernmental Coordination Element Policy VI-1.3.2
Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)	Conservation Element Policy III-2.1.2
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)	Intergovernmental Coordination Element Policy VI-1.3.1 and 1.3.3
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.	Intergovernmental Coordination Element Policy VI-1.8.9
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 DCA by January 1, 2004. Each local government is required to update its ICE	163.3177(6)(h)6., 7., & 8.	Intergovernmental Coordination Element Policy VI-1.6.2

	based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.		
	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.	163-3191(2)(1)	Intergovernmental Coordination Element Obj. VI-1.3
	(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.	163.3167	Public Facilities Element Obj. IX-2.1 Conservation Element Policy III-2.1.2 Intergovernmental Coordination Element, Policy VI-1.3.3
	(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 . (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)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.	163.3177	Future Land Use Element Policy I-6.4.1 Intergovernmental Coordination Element Policy VI-1.3.1 Future Land Use Element Policy I-6.4.1 Intergovernmental Coordination Element, Policy VI-1.1.21,22,23 N/A
	(1): Provides legislative findings with respect to the shortage of affordable rentals in the state. (2): Provides definitions . (3): Authorizes local governments to permit accessory dwelling units in	Creates 163.31771	N/A Chapter X N/A

<p>areas zoned for single family residential use based upon certain findings.</p> <p>(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.</p> <p>(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.</p>		<p>Procedural - to be addressed in the Land Development Regulations</p> <p>N/A</p>
<p>Amends the definition of “in compliance” to add language referring to the Wekiva Parkway and Protection Act.</p>	163.3184(1)(b)	Incorporated required amendment and previously found in compliance.
<p>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.</p>	163.3191(2)(n)	N/A
<p>(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.</p> <p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).</p> <p>(6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.</p> <p>(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</p>	163.3177	<p>Capital Improvements Element, Policy II-2.1.1., Table CAP-5 Policy II-3.2.1</p> <p>Capital Improvements Element Table CAP 6,7,8,9, 10</p> <p>Future Land Use Element Policy 1-1.1.1, I-1.1.3, I-1.1.4, and I-7.13.5</p> <p>N/A</p> <p>Public Facilities Element Policy IX-2.1.8</p>

<p>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.</p> <p>(6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities.</p> <p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p> <p>(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.</p> <p>(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.</p> <p>(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.</p> <p>(12): Must adopt public school facilities element.</p> <p>(12)(a) and (b): A waiver from providing this element will be allowed under certain circumstances.</p> <p>(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.</p> <p>(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.</p>	<p>[New]</p> <p>[New]</p>	<p>Intergovernmental Coord. Element Policy VI-1.3.1 and Policy VI-1.6.10</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Public Schools Facilities Sub-Element, Page 317</p> <p>N/A</p> <p>Public School Facilities Sub-Element Co-Location: IX-6.4.2, Proximity to Residential: Policies IX-6.3.2 and IX-6.5.1, Emergency Shelters: Policy IX-6.5.4</p> <p>Public School Facilities Sub-Element Figures 2 through 5</p>
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<p>(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.</p> <p>(14): (New section) Encourages local governments to develop an “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).</p>		<p>Future Land Use Element: Objective I-1.1 and following policies.</p> <p>N/A</p>
<p>(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.</p> <p>(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.</p> <p>(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.</p>	163.31777	<p>Intergovernmental Coordination Element Policy VI-1.8.9, Public Schools Facilities Sub-Element Goal IX-7 and following Objective and Policies.</p> <p>N/A</p> <p>N/A</p>
<p>(1)(a): Added “schools” as a required concurrency item.</p> <p>(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.</p> <p>(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.</p> <p>(4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).</p> <p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p>	163.3180	<p>Capital Improvements Element Policy II-3.1.6 (4)</p> <p>Capital Improvements Element Policy II-3.1.6 (1)</p> <p>Capital Improvements Element Policy II-3.1.6 (2) Transportation Element Policy VIII-1.4.2</p> <p>N/A</p> <p>Transportation Element Policy VIII-1.4.3</p>

<p>(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. 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.</p> <p>(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.</p> <p>(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 any impacts to the Strategic Intermodal System.</p> <p>(9)(a): Allowed adoption of a long-term concurrency management system for schools.</p> <p>(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.</p> <p>(9)(d): (New section) Required evaluation in Evaluation and Appraisal Report of progress in improving levels of service..</p>		<p>Intergovernmental Coordination Element Policy VI-1.7.9</p> <p>Intergovernmental Coordination Element Policy VI-1.7.9 Guidelines in LDRs</p> <p>Transportation Element Objective VIII-3.2 and following policies</p> <p>Transportation Element Policy VIII-1.4.3 and Intergovernmental Coordination Element Policy VI-1.7.9 and future LDRs</p> <p>N./A</p> <p>N/A</p> <p>N/A</p>
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<p>(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.</p> <p>(13): Required school concurrency (not optional).</p> <p>(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).</p> <p>(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(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</p> <p>(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.</p>	<p>[New]</p> <p>[New]</p>	<p>Transportation Element Policy VIII-1.4.1, VIII-1.2.1, Tables TRAN 1,2,3. Capital Improvement Element Table Policy II-1.1.7 and Tables CAP 2,3,4.</p> <p>Public Facilities Element, Public School Facilities Sub-Element, Goal IX-7 and following Objective and Policies.</p> <p>Public Facilities Element, Public School Facilities Sub-Element, Objective IX-6.2 and following policies</p> <p>Public Facilities Element, Public School Facilities Sub-Element Policy IX-7.3.4 and Capital Improvements Element Policy II-3.1.6(4) (c)</p> <p>Public Facilities Element, Public School Facilities Sub-Element, Objective IX 7.3 and following policies.</p> <p>Public Facilities Element, Public School Facilities Sub-Element, Policy IX-7.3.1</p> <p>Public Facilities Element, Public School Facilities Sub-Element, Objective IX-7.1 and following policies.</p>
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<p>(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(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.</p> <p>(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.</p>		<p>N/A</p> <p>N/A</p> <p>Transportation Element Policy VIII-1.4.4</p>
<p>(17): (New 2005 section) If local government has adopted a community vision and urban service boundary, state & 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.</p> <p>(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.</p>	<p>163.3184 [New]</p>	<p>N/A</p> <p>N/A</p>
<p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>163.3187</p> <p>[New]</p> <p>[New]</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<p>(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</p>	<p>163.3191</p>	<p>N/A</p>

<p>continues to meet the exemption criteria in s.163.3177(12).</p> <p>(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 workplan.</p> <p>(2)(o): (New 2005 provision) The Evaluation and Appraisal Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was created.</p> <p>(2)(p): (New 2005 provision) The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities.</p> <p>(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 DCA.</p>	<p>[New]</p> <p>[New]</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p>Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS 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. Ch. 2006-68, LOF.</p>	<p>163.3178(9)(a) [New]</p>	<p>N/A</p>
<p>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 s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.</p>	<p>163.3178(9)(b) [New]</p>	<p>Future Land Use Element Objective 1-7.3 and Policy I-7.3.1</p>
<p>Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.</p>	<p>163.3178(2)(c)</p>	<p>N/A</p>
<p>Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.</p>	<p>163.3180(2)(a)</p>	<p>N/A</p>

<p>Community Workforce Housing Innovation Pilot Program; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.</p>	New	N/A
<p>Affordable housing land donation density incentive bonus; created by Ch. 2006-69, LOF, section 28. 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.</p>	New	N/A
<p>(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. Ch. 2007-204, LOF.</p> <p>(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.</p> <p>(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. Ch. 2007-198, LOF.</p>	<p>163.3177</p> <p>[New]</p> <p>[New]</p>	<p>Capital Improvement Element Policy II-2.1.5 and Policy II-2.1.10</p> <p>N/A</p> <p>N/A</p>

<p>(4)(b) Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.</p> <p>(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.</p> <p>(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. Ch. 2007-204, LOF.</p> <p>(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. Ch. 2007-204, LOF.</p> <p>(17) Allows an exempt from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.</p>	<p>163.3180</p> <p>[New]</p> <p>[New]</p> <p>[New]</p>	<p>Transportation Element, Objective VIII-1.4 and following policies.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p>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. Ch. 2007-196, LOF and Ch. 2007-204, LOF.</p>	<p>163.3182 [New]</p>	<p>N/A</p>
<p>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. Ch. 2007-198, LOF.</p>	<p>420.5095(9)</p>	<p>N/A</p>
<p>Greenhouse gas reduction strategies</p>	<p>163.177(6)(a)</p>	<p>Future Land Use Element, Objective I-7.6 and following policies.</p>
<p>Protection of Wetlands</p>		<p>Conservation Element - Policy III-2.5.3</p>