

Appendix C: Recommendations Based on Changes to State Law

This section provides recommendations for EAR-based amendments to the Lee Plan based on changes to state law. These recommendations are intended to supplement recommendations for EAR-based amendments provided in Chapter 4 and Appendix B.

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
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.]					
1	<p>(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.</p> <p>(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.</p> <p>(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.</p>	163.3167	X	<p>Addressed in Element IV Community Facilities and Services, Goal 53</p> <p>So Noted</p>	<p>No Action Needed</p> <p>No Action Needed</p> <p>No Action Needed</p>
2	<p>(1): Provides legislative findings on the compatibility of development with military installations.</p> <p>(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p>	Creates 163.3175.	X		<p>No Action Needed</p> <p>No Action Needed</p>

Appendix C | Recommendations Based on Changes to State Law

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	<p>(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.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>				
3	<p>(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 encourage rural land stewardship area designation as an overlay on the future land use map.</p> <p>(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.</p> <p>(10)(l): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations.</p> <p>(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.</p> <p>(11)(d)2: Provides for multi-county rural land stewardship areas.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.</p>	163.3177	X	So Noted	No Action Needed
			X		No Action Needed
				Procedural	No Action Needed
				Procedural	No Action Needed
				Procedural	No Action Needed

Appendix C | Recommendations Based on Changes to State Law

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	(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.			Procedural	No Action Needed
	(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.		X		No Action Needed
	(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.		X		No Action Needed
4	(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.	Creates 163.31771		Procedural	No Action Needed
	(2): Provides definitions .			Procedural	No Action Needed
	(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.			Procedural	No Action Needed
	(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.			Procedural	No Action Needed
	(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.		X	Procedural	No Action Needed
	(6): Requires the DCA to report to the Legislature.				

Appendix C | Recommendations Based on Changes to State Law

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5	Amends the definition of “in compliance” to add language referring to the Wekiva Parkway and Protection Act .	163.3184(1)(b)	X		No Action Needed
6	(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	X		No Action Needed
	(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.		X		
7	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)	X		No Action Needed
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida]					
1	Added the definition of “ financial feasibility .”	163.3164(32) [New]		Procedural	No Action Needed
2	(2): Required comprehensive plans to be “ financially ” rather than “economically” feasible .	163.3177		Many references in the Lee Plan to “economically feasible”	Change will be made throughout Lee Plan as part of the update process
	(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 .			The Lee Plan includes a schedule of capital improvements for a 5 year period (Table 3)	To be updated with Lee Plan update
	(3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.				No Action Needed

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
<p>(3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section’s capital improvements requirements.</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): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</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 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)(e): Added waterways to the system of sites addressed by the recreation and open space element.</p>		X	<p>Procedural</p> <p>So Noted</p> <p>Lee County has not adopted a long-term concurrency management system</p> <p>Addressed in Objective 8.1 in Element II. Future Land Use, to protect marine-oriented land uses</p> <p>Lee County has adopted its 10 year water supply plan</p> <p>Addressed throughout the Lee Plan</p>	<p>No Action Needed</p>

Appendix C | Recommendations Based on Changes to State Law

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<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>Objective 151.5, Element X. Intergovernmental Coordination</p> <p>Lee County does not have a rural stewardship program.</p> <p>Procedural</p> <p>Procedural</p> <p>Procedural</p> <p>Incorporated in Element IV. Community facilities and Services</p> <p>So Noted</p> <p>Co-location addressed in Objective 67.3; location in Objective 66.3; and shelters in Policy 66.2.1</p> <p>Procedural</p>	<p>No Action Needed</p>

Appendix C | Recommendations Based on Changes to State Law

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	(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.			Procedural	No Action Needed
	(12)(j): Established penalty for failure to adopt a public school facility element.			Included in Lee Plan Vision	No Action Needed
	(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.	[New]	X	So Noted	To be significantly updated as part of Lee Plan amendments
	(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).	[New]			No Action Needed
3	163.31776 is repealed	163.31776 [Now: Repealed]	X		No Action Needed
4	(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		Procedural	No Action Needed
	(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.		X		No Action Needed
	(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.			So Noted	No Action Needed

Appendix C | Recommendations Based on Changes to State Law

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5	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	163.3178		Policy 1.7.5 establishes the Water-Dependent Overlay Zones to protect working waterfronts.	Evaluate alternative tools that can further protect existing and future working waterfronts.
6	(1)(a): Added “schools” as a required concurrency item.	163.3180		Policy 67.1.2 in Article IV. Community Facilities and Services addresses School Concurrency Interlocal Agreement	No Action Needed
	(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.			Procedural	No Action Needed
	(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.			Procedural	No Action Needed
	(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.			So Noted	No Action Needed
	(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.			So Noted	No Action Needed
(5)(e) – (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be “consistent with and support a		X		No Action Needed	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
<p>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>Procedural</p> <p>Procedural</p> <p>Procedural</p> <p>EAR Requirement</p> <p>So Noted</p>	<p>No Action Needed</p>

Appendix C | Recommendations Based on Changes to State Law

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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)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.</p> <p>(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.</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>Addressed in Element IV. Community Facilities and Services</p> <p>Addressed in Element IV. Community Facilities and Services</p> <p>Procedural</p> <p>Procedural</p> <p>Procedural</p> <p>Procedural</p> <p>Procedural</p> <p>Procedural</p>	<p>No Action Needed</p>

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
<p>(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.</p>			Procedural	No Action Needed
<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>			Procedural	No Action Needed
<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>			Concept incorporated into Element III. Transportation and Element V. Parks, Recreation, and Open Space	No Action Needed
<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>		X		No Action Needed
<p>(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 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.</p>	[New]	X		
<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>	[New]			

Appendix C | Recommendations Based on Changes to State Law

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7	<p>(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.</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>	163.3184 [New]	X		No Action Needed
8	<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>	163.3187 [New] [New]		Procedural Procedural Procedural	No Action Needed No Action Needed No Action Needed
9	(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 s.163.3177(12).	163.3191	X		No Action Needed

Appendix C | Recommendations Based on Changes to State Law

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	(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.			EAR requirement	No Action Needed in Plan
	(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.	[New]	X		No Action Needed
	(2)(p): (New 2005 provision) The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities .	[New]		Lee County utilizes a professionally acceptable method for calculating impacts on facilities.	No Action Needed
	(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.			Procedural	No Action Needed
10	(10) New section designating Freeport as a certified community . (11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.	163.3246 [New]	X		No Action Needed
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, Laws of Florida]					
1	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	163.3162(5) [New]	X		No Action Needed
2	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33) [New]	X		No Action Needed

Appendix C | Recommendations Based on Changes to State Law

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3	(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. Ch. 2006-220, LOF.	163.3177(6)(g)2. [New]		Procedural	No Action Needed
4	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 . Ch. 2006-220, LOF.	163.3177(11)(d)6	X		No Action Needed
5	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 s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.31771(1), (2) and (4)		Procedural	No Action Needed
6	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans . Ch. 2006-68, LOF.	163.3178(2)(d)	X		No Action Needed
7	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	163.3178(2)(h)		Procedural	No Action Needed
8	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.	163.3178(9)(a) [New]		So Noted	No Action Needed

Appendix C | Recommendations Based on Changes to State Law

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9	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.	163.3178(9)(b) [New]		Procedural	No Action Needed
10	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.	163.3178(2)(c)		Procedural	No Action Needed
11	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.	163.3180(2)(a)		Procedural	No Action Needed
12	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.	163.3180(12)(a)		Procedural	No Action Needed
13	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c)1.f.		Procedural	No Action Needed
14	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 FLUM 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. Ch. 2006-268, LOF.	163.3208 [New]		the Lee Plan does not exclude or prohibit electric distribution substations	No Action Needed
15	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 . Ch. 2006-268, LOF.	163.3209 [New]		So Noted	No Action Needed

Appendix C | Recommendations Based on Changes to State Law

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16	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.	New		Procedural	No Action Needed
17	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.	New		Procedural	No Action Needed
2007 [Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida]					
1	(26) Expands the definition of “ urban redevelopment ” to include a community redevelopment area. Ch. 2007-204, LOF. (32) Revises the definition of “ financial feasibility ” by clarifying that the plan is financially feasibility 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. In addition, the provision that level of service standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S., is used is deleted. Ch. 2007-204, LOF.	163.3164	X	Procedural	No Action Needed No Action Needed
2	(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). Ch. 2007-204, LOF. (3)(a)6. Revises the citation to the MPO’s TIP and long-range transportation plan . Ch. 2007-196, LOF.	163.3177	X	Clarification	No Action Needed No Action Needed

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<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>			Requirement included in the Lee Plan	No Action Needed
<p>(3)(c) Deletes the requirement that the Department 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). Ch. 2007-204, LOF.</p>		X		No Action Needed
<p>(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 s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.</p>	[New]		Procedural	No Action Needed
<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>		X		No Action Needed
<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>	[New]	X		No Action Needed

Appendix C | Recommendations Based on Changes to State Law

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3	(4)(b) Expands transportation concurrency exceptions to include airport facilities . Ch. 2007-204, LOF.	163.3180		So Noted	No Action Needed	
	(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.		X		No Action Needed	
	(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.	[New]	X		No Action Needed	
	(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. Ch. 2007-204, LOF.		X		No Action Needed	
	(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. Ch. 2007-204, LOF.				Procedural	No Action Needed
	(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.	[New]			Procedural	No Action Needed

Appendix C | Recommendations Based on Changes to State Law

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
	(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. (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.	[New]		Procedural Procedural	No Action Needed
4	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.	163.3182 [New]		Procedural	No Action Needed
5	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]		So Noted	No Action Needed
6	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p) [New]		Procedural	No Action Needed
7	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14) [New]		Addressed in Element III. Transportation	No Action Needed
8	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		Procedural	No Action Needed
9	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]	X		No Action Needed

Appendix C | Recommendations Based on Changes to State Law

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
10	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 . Ch. 2007-196, LOF.	339.282 [New]		So Noted	No Action Needed
11	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.	420.5095(9)		Procedural	No Action Needed
2008 [Ch. 2008-191 and Ch. 2008-227, Laws of Florida]					
1	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)		Addressed in Element II. Future Land Use, specifically in Goal 2, Growth Management, and its objectives and policies that focus on the location and timing of development	No Action Needed; Lee Plan update to strengthen goals and policies related to overall County growth patterns and sprawl
2	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. Ch. 2008-191, LOF.	163.3177(6)(a)		Not addressed in the Land Use Element of the Lee Plan	Future Land Use element will be updated to address energy-efficient land use patterns, coordinated with transmission and generation systems.

Appendix C | Recommendations Based on Changes to State Law

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
3	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)		Not addressed in the Land Use Element of the Lee Plan	Include in Future Land Use and Transportation elements in Lee Plan update
4	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)		Not addressed in the Transportation Element of the Lee Plan	To be addressed in updates to Lee Plan Transportation element
5	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Addressed in Element IV. Community Facilities and Services, but not in Element VII. Conservation and Coastal Management	Include in Element 9. Conservation and Coastal Management; energy conservation topic will be addressed more broadly throughout the Lee Plan
6	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Not addressed in the Land Use Element of the Lee Plan	To be addressed in Future Land Use Element update through strategies to reduce land consumption and vehicle-miles travelled
7	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. Ch. 2008-191, LOF.	163.3177(6)(f)1.h . and i.		Not addressed in the Housing Element of the Lee Plan	Include in. Housing element

Appendix C | Recommendations Based on Changes to State Law

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
8	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(j)		Not addressed in the Transportation Element of the Lee Plan	Include in Transportation element as part of update
9	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan	X		No Action Needed
2009 [Chapters 2009-85 and 2009-96, Laws of Florida]					
1	Changes “Existing Urban service area” to “ Urban service area ” and revises the definition of such an area. Section 2, Chapter 2009-96, LOF.	163.3164(29)		Procedural	No Action Needed
2	Adds definition of “ Dense urban land area. ” Section 2, Chapter 2009-96, LOF.	163.3164(34)		Procedural	No Action Needed
3	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible . Section 3, Chapter 2009-96, LOF.	163.3177(3)(b)1.		So Noted	No Action Needed
4	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, LOF.	163.3177(6)(a)		So Noted	No Action Needed
5	Requires the intergovernmental coordination element to recognize airport master plans . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1. b.		Addressed in Element III. Transportation	No Action Needed
6	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, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	163.3177(6)(h)1.c .		Not addressed in the Intergovernmental Coordination Element of the Lee Plan	Include in. Intergovernmental Coordination element as part of update

Appendix C | Recommendations Based on Changes to State Law

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
7	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s.333.03(1)(b), F.S., between adjacent local governments regarding airport zoning regulations . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1. d.		Included in Element X. Intergovernmental Coordination, Policy 151.4.1	No Action Needed
8	Defines “ rural agricultural industrial center ” and provides for their expansion through the plan amendment process. Section 1, Chapter 2009-154, LOF	163.3177(15)(a) [New]		Procedural	No Action Needed
9	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 . Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)2.	X		No Action Needed
10	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 . Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)3.		So Noted	No Action Needed
11	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. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)4.	X		No Action Needed
12	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 . Section 4, Chapter 2009-96, LOF	163.3180(10)		Addressed in Element III. Transportation	No Action Needed
13	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. Section 5, Chapter 2009-85, LOF.	163.3180(12)(b) & (16)(i)		Procedural	No Action Needed

Appendix C | Recommendations Based on Changes to State Law

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
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), F.S. (obsolete language that addressed an accessory dwelling unit repot); no sustentative comprehensive planning requirement impact. Section 16, Chapter 2010-5, LOF.		X		No Action Needed
2	Chapter 2010-102, Laws of Florida, makes several minor changes which do not effect sustentative comprehensive planning requirements: Section 163.2526, F.S.: repealed Section 163.3167(2), F.S.: obsolete language deleted Section 163.3177(6)(h), F.S.: minor wording changes Section 163.3177(10)(k), F.S.: minor wording changes Section 163.3178(6), F.S.: obsolete language deleted Section 163.2511(1), F.S.: minor wording changes Section 163.2514, F.S.: minor wording changes Section 163.3202, F.S.: minor wording changes		X		No Action Needed
3	Chapter 2010-205, Laws of Florida, makes several minor wording changes Chapter 163, Part II, F.S., which do not affect sustentative comprehensive planning requirements: Section 163.3167(13), F.S. Section 163.3177(4)(a), F.S. Section 163.3177(6)(c), (d) and (h), F.S. Section 163.3191(2)(l), F.S.		X		No Action Needed
4	Chapter 2010-209, Laws of Florida, make a minor wording change in Section 163.2523, F.S., which does not affect sustentative comprehensive planning requirements.		X		No Action Needed
5	Deleted the phrase “SMART Schools Clearinghouse”. Section 11, Chapter 2010-70, LOF.	163.31777(1)(a) and (3)(a)	X		No Action Needed

Appendix C | Recommendations Based on Changes to State Law

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed
6	Revises section 163.3175, F.S., to list the 14 military installations and 43 local governments affected by special coordination and communication requirements. Section 1, Chapter 2010-182, LOF.	163.3175(2)	X		No Action Needed
7	Revises section 163.3177(6)(a), F.S., to specify that the 43 local governments listed in section 163.3175(2), F.S., must consider the factors listed in section 163.3175(5), F.S., when considering the compatibility of land uses proximate to military installations. Section 2, Chapter 2010-182, LOF.	163.3177(6)(a)	X		No Action Needed
8	Revised section 163.3180(4)(b), F.S., to define hangars for the assembly, manufacture, maintenance or storage of aircraft as public transit facilities. Section 1, Chapter 2010-33, LOF.	163.3180(4)(b)		Procedural	No Action Needed