

Statutory Changes to the Community Planning Act

Chapter 163, Part II, Florida Statutes: 2016-2020



2016: [Chapter 2016-10, section 13, Laws of Florida, effective May 10, 2016; Chapter 2016-148, sections 2-4, Laws of Florida, effective July 1, 2016]

1. Section 163.3177(6)(a)11, **Amendments to Future Land Use Element to Address Military Base Compatibility** (Chapter 2016-10, section 13, Laws of Florida)
 - Deletes this obsolete subsection which required local governments to transmit comprehensive plan updates or amendments to address compatibility of lands adjacent or closely proximate to existing military installations or lands adjacent to an airport to the state land planning agency by June 30, 2012.
2. Section 163.3175(7), **Financial Reporting for Ex Officio Military Representatives on Local Boards** (Chapter 2016-148, section 2, Laws of Florida)
 - Modifies this section to state that a representative of a military installation is not required to file a statement of financial interest pursuant to section 112.3145, Florida Statutes (F.S.), solely due to his or her service on the local government's land planning or zoning board.
3. Section 163.3184, **Process for Adoption of Comprehensive Plans or Plan Amendments** (Chapter 2016-148, section 3, Laws of Florida)
 - Amends section 163.3184(2)(c) to modify the language pursuant to changes in section 380.06, F.S., to require state coordinated review of plan amendments that approve DRI-sized proposed developments; no substantive change.
 - Adds subsection 163.3184(5)(e)3 to provide that when an administrative law judge issues an order recommending that a plan amendment be found in compliance, the recommended order becomes the final order 90 days after issuance unless the state land planning agency issues a final order finding the amendment in compliance, refers the recommended order to the Administration Commission, or all parties consent in writing to an extension of the 90-day period.
 - Amends section 163.3184(7)(d), for plan amendment challenges that are subject to mediation or expeditious resolution, to provide that when an administrative law judge issues a recommended order finding an amendment in compliance, except where the parties agree or there are exceptional circumstances, the state land planning agency must issue a final order within 45 days after issuance of a recommended order; and if the final order is not issued in 45 days, the recommended order finding the amendment in compliance becomes the final order.

4. Section 163.3245(1), **Sector Plans** (Chapter 2016-148, section 4, Laws of Florida)
 - Modifies this section to reduce the minimum amount of total land area required for a sector plan from 15,000 acres to 5,000 acres.

2017: [None]

2018: [Chapter 2018-34, section 1, Laws of Florida, Effective March 19, 2018; Chapter 2018-158, sections 7, 8, and 21, Laws of Florida, Effective April 6, 2018.]

1. Sections 163.3221(4)(b)(2) and (4)(b)(8), **Florida Local Government Development Agreement Act; definitions** (Chapter 2018-34, section 1, Laws of Florida)
 - Amends the definition of “development” to exclude work by electric utility providers on utility infrastructure on certain rights-of-way or corridors and the creation or termination of distribution and transmission corridors.
2. Sections 163.3245(3)(e), (3)(e)6., and (3)(e)12., **Sector Plans** (Chapter 2018-158, section 7, Laws of Florida)
 - Sector Plans, updates statutory cross references.
3. Sections 163.3246(11), (12), and (14), **Local Government Comprehensive Planning Certification Program** (Chapter 2018-158, section 8, Laws of Florida)
 - Updates the Local Government Comprehensive Planning Certification Program to delete references to Development of Regional Impact Review.
4. Section 163.3164, **Master Development Plan** (Chapter 2018-158, section 21, Laws of Florida)
 - Adds a new definition of “master development plan” or “master plan” as subsection (31) and renumbers subsequent sections.

2019: [Chapter 2019-3, section 31, Laws of Florida, Effective July 3, 2019; Chapter 2019-106, section 1, Laws of Florida, Effective July 1, 2019; Chapter 2019-144, section 1, Laws of Florida, Effective July 1, 2019; Chapter 2019-155, section 2, Laws of Florida, Effective July 1, 2019; Chapter 2019-157, section 1, Laws of Florida, Effective July 1, 2019; Chapter 2019-165, sections 3-7, Laws of Florida, Effective June 28, 2019]

1. Section 163.3177(6)(f), **Required and Optional Elements of Comprehensive Plan; Studies and Surveys** (Chapter 2019-3, section 31, Laws of Florida)
 - Updates statutory reference related to affordable workforce housing.

2. Section 163.31801, **Impact Fees** (Chapter 2019-106, section 1, Laws of Florida)
 - Revises the title and subsection 163.31801(3) and adds subsections 163.31801(3)(e) through (i) to amend the minimum requirements for the adoption of impact fees by specified local governments and notes restrictions to the allowable uses of those impact fees.
 - Adds subsection 163.31801(6), which exempts water and sewer connection fees from the Florida Impact Fee Act.
3. Section 163.3175(2), **Legislative Findings on Compatibility of Development with Military Installations; Exchange of Information Between Local Governments and Military Installations** (Chapter 2019-144, section 1, Laws of Florida)
 - Relocates existing paragraphs (i) through (n) of subsection 163.3175(2) to be redesignated as paragraphs (j) through (o).
 - Adds new paragraphs (i) and (p) to subsection 163.3175(2) to specify additional local governments that must coordinate with certain military installations regarding the compatibility of land development.
4. Section 163.3209, **Electric Transmission and Distribution Line Right-of-way Maintenance** (Chapter 2019-155, section 2, Laws of Florida)
 - Deletes a provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if a property owner has received local government approval.
5. Section 163.3187(1)(b), **Process for Adoption of Small-Scale Comprehensive Plan Amendments** (Chapter 2019-157, section 1, Laws of Florida)
 - Removes subsection 163.3187(1)(b), which specified the cumulative annual acreage maximum of adopted small-scale comprehensive plan amendments.
6. Section 163.3167(3), **Scope of Act** (Chapter 2019-165, section 3, Laws of Florida)
 - Amends this subsection to require the incorporation of development orders, existing prior to the comprehensive plan, into comprehensive plans adopted after January 1, 2019.
7. Section 163.3180, **Concurrency** (Chapter 2019-165, section 4, Laws of Florida)
 - Amends subsection 163.3180(5)(i) to clarify compliance requirements for a mobility fee-based funding system.
 - Revises subsection 163.3180(6)(h)2.b. to require a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities and provides the requirements for the basis of that credit.
8. Section 163.31801, **Impact Fees** (Chapter 2019-165, section 5, Laws of Florida)
 - Amends subsection 163.31801(3) to add minimum conditions that certain impact fees must satisfy.
 - Adds subsection 163.31801(4) to require local governments to credit against the collection of an impact fee any contribution related to public education facilities.
 - Adds subsection 163.31801(5) so that if a local government increases its impact fee rates then the holder of impact fee credits is entitled to the full benefit of the intensity or density of

the credit balance as of the date it was established and renumbers subsequent subsections.

- Amends renumbered subsection 163.31801(7) to provide that in certain actions, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements and prohibits the court from using a deferential standard for the benefit of the government.
- Adds subsection 163.31801(8) to authorize a local government to provide an exception or waiver for an impact fee for the development or construction of affordable housing and in doing such is not required to use any revenues to offset the impact.
- Adds subsection 163.31801(9) to clarify that this section does not apply to water and sewer connection fees.

9. Section 163.3202, **Land Development Regulations** (Chapter 2019-165, section 6, Laws of Florida)

- Adds paragraph (j) to subsection 163.3202(2) to require preexisting development orders to be incorporated into local land development regulations.

10. Section 163.3215(8), **Standing to Enforce Local Comprehensive Plans Through Development Orders** (Chapter 2019-165, section 7, Laws of Florida)

- Amends subsection 163.3215(8)(a) to provide that either party is entitled to a certain summary procedure in certain court proceedings.
- Adds subsection 163.3215(8)(b) clarifying how a court may find a summary procedure does not apply.
- Adds subsection 163.3215(8)(c), which provides that a prevailing party in a challenge to certain development orders can be entitled to recover certain fees and costs.

2020: [Chapter 2020-2, section 27, Laws of Florida, Effective May 18, 2020; Chapter 2020-27, sections 4 and 5, Laws of Florida, Effective July 1, 2020; Chapter 2020-58, section 1, Laws of Florida, Effective July 1, 2020; Chapter 2020-122, section 2, Laws of Florida, Effective July 1, 2020; Chapter 2020-150, section 28, Laws of Florida, Effective July 1, 2021]

1. Section 163.3178, **Coastal Management** (Chapter 2020-2, section 27, Laws of Florida)

- Amends subsection 163.3178(2)(k) to update statutory references.
- Revises subsection 163.3178(8)(b) and (c) to remove outdated deadlines.

2. Section 163.31771, **Accessory Dwelling Units** (Chapter 2020-27, section 4, Laws of Florida)

- Amends subsections 163.31771(3) and (4) to remove the requirement that a local government must adopt an ordinance finding a shortage of affordable rentals in the jurisdiction before allowing accessory dwelling units to be located in any area zoned for single family residential use.

3. Section 163.31801, **Impact Fees** (Chapter 2020-27, section 5, Laws of Florida)
 - Adds subsection 163.31801(10) and supporting paragraphs (a) through (e) to address the data on impact fee charges that must be reported in an annual financial report by a county, municipality or special district.
4. Section 163.31801, **Impact Fees** (Chapter 2020-58, section 1, Laws of Florida)
 - Amends subsection 163.31801(3)(d) to specify that a new or increased impact fee may not be charged to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing such an impact fee.
 - Amends subsection 163.31801(4) to clarify that a local government must provide credit against the collection of an impact fee of any contribution related to public education facilities regardless of any charter provision, comprehensive plan policy, ordinance, or resolution.
 - Adds subsection 163.31801(8) that sets forth the provisions by which impact fee credits are assignable and transferable and renumbers subsequent subsections.
5. Section 163.3168, **Planning Innovations and Technical Assistance** (Chapter 2020-122, section 2, Laws of Florida)
 - Adds subsection 163.3168(4) providing guidance to the state land planning agency when selecting applications for technical assistance funding to give preference to counties with a population of 200,000 or less, and to municipalities located within such counties, in determining whether the area in and around a proposed multiuse corridor interchange as described in Section 338.2278 contains appropriate land uses and protections and aiding in amending a comprehensive plan to provide such appropriate land uses and protections.
6. Section 163.3180, **Concurrency** (Chapter 2020-150, section 28, Laws of Florida)
 - Amends subsection 163.3180(2) to alter the governmental entity that approves onsite sewage treatment and disposal systems from the Department of Health to the Department of Environmental Protection.