

Chapter 6: Changes to Florida Statutes and Administrative Rules

Changes to Florida Statutes and Administrative Rules Since 2004

Chapter 163.3191(2)(f), F.S. requires that the EAR contain an evaluation and assessment of relevant changes to the state comprehensive plan (187.201, F.S.), Chapter 163, F.S, Rule 9J-5, F.A.C. and the South Florida Strategic Regional Policy Plan since the adoption of the last EAR update amendments.

This analysis was conducted utilizing all of the changes that have occurred to these documents since 2004, when Broward County adopted its most recent EAR (February 24, 2004).

When an inconsistency was identified, such as a requirement not currently addressed in the Broward County Comprehensive Plan, the appropriate Element is identified for update.

The sections containing the assessment of changes to Chapter 163, F.S. and Rule 9J-5, F.A.C. are presented in matrix format. The evaluation of Volume 2 (Goals, Objectives and Policies Broward County Comprehensive Plan) is presented first, followed by the evaluation of Volume 1 (Broward County Land Use Plan).

State Comprehensive Plan

In 2008, the following changes were made (see Section 5 of Chapter. 2008-227, Laws of Florida):

- a) A new policy was added under Goal (10) Air Quality:

...

6. Encourage the development of low carbon- emitting electric power plants.

- b) Goal (11) Energy was revised as follows:

Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors and shall reduce atmospheric carbon dioxide by, while at the same time promoting an increase use of renewable energy resources and low carbon- emitting electric power plants.

- c) A new policy was added under Goal (15) Land Use:

Provide for the siting of low- carbon emitting electric power plants, including nuclear power plants, to meet the state's determined need for electric power generation.

No amendments to the County's Comprehensive Plan are needed in order to be consistent with the State Comprehensive Plan.

South Florida Strategic Regional Policy Plan

During the last EAR in 2004, the South Florida Regional Planning Council (SFRPC) was in the process of revising their Strategic Regional Policy Plan (SRPP). In the 2004 EAR, it was noted that once the SRPP was completed and adopted, the County would evaluate the updated SRPP for consistency with the Comprehensive Plan and any inconsistencies will be addressed through the EAR based amendments.

The SRPP was adopted by the SFRPC on June 7, 2004, and the County evaluated the SRPP for consistency with the Comprehensive Plan. During the EAR-based amendments, no changes were identified in order to ensure consistency with the SRPP.

Consistency with Chapter 9J-5, Florida Administrative Code

No material changes were made since Broward County adopted the 2004 EAR.

Consistency with and Changes to Chapter 163, F.S.

Chapter 163, Part II provides GROWTH POLICY; COUNTY AND MUNICIPAL PLANNING; LAND DEVELOPMENT REGULATION. Subsection 163.3164, F.S. known as the Local Government Comprehensive Planning and Land Development Regulation Act, governs comprehensive planning in the State of Florida.

An analysis of all of the changes to Chapter 163, F.S. that have occurred since the adoption of Broward County's most recent EAR (2004) is provided in the following Table. The changes are summarized by year including appropriate citations. Each change is classified by relevance to the Broward County Comprehensive Plan. If the change is procedural, optional, or not applicable (NA) no change is needed. If the change is relevant, the Plan was reviewed and identification about whether the requirement was addressed or not is included (YES or NO). In those instances in which an amendment is needed (NO in the "Addressed" column) the elements which need to be amended are identified in the last column.

Table 6-1 Changes to Chapter 163, Florida Statutes

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	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, <u>Laws of Florida.</u>]					
1	<ul style="list-style-type: none"> 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. 	163.3167(10)			N/A	
2	<ul style="list-style-type: none"> Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period. 	163.3167(13)				10 Year Water Supply Plan Update PWE: Ordinance 2008-40, 09/09/2008
3	<ul style="list-style-type: none"> Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations. 	163.3167(14)			N/A	
4	<ul style="list-style-type: none"> Provides legislative findings on the compatibility of development with military installations. 	Creates 163.3175(1)			N/A	
5	<ul style="list-style-type: none"> Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations. 	Creates 163.3175(2)		X		
6	<ul style="list-style-type: none"> Provides for responsive comments by the commanding officer or his/her designee. 	Creates 163.3175(3)			N/A	
7	<ul style="list-style-type: none"> Provides for the county or affected local government to take such comments into consideration. 	Creates 163.3175(4)			N/A	

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
8	<ul style="list-style-type: none"> 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. 	Creates 163.3175(5)			N/A	
9	<ul style="list-style-type: none"> Encourages the commanding officer to provide information on community planning assistance grants. 	Creates 163.3175(6)			N/A	
10	<ul style="list-style-type: none"> 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. 	163.3177(6)(a)			N/A	
	<ul style="list-style-type: none"> Changed to encourage rural land stewardship area designation as an overlay on the future land use map. 				N/A	
11	<ul style="list-style-type: none"> 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. 	163.3177(6)(c)	X			
12	<ul style="list-style-type: none"> Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations. 	163.3177(10)(l)	X			
13	<ul style="list-style-type: none"> 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(11)(d)1	X			

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
14	<ul style="list-style-type: none"> Provides for multi-county rural land stewardship areas. 	163.3177(11)(d)2	X			
15	<ul style="list-style-type: none"> Revises requirements, including the acreage threshold for designating a rural land stewardship area. 	163.3177(11)(d)3-4	X			
16	<ul style="list-style-type: none"> 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(11)(d)6.j	X			
17	<ul style="list-style-type: none"> Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments. 	163.3177(11)(e)				FUALUE: Ordinance 2009-60, 09/22/2009 (updated)
18	<ul style="list-style-type: none"> 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. 	163.3177(11)(f)	X			
19	<ul style="list-style-type: none"> Provides legislative findings with respect to the shortage of affordable rentals in the state. 	Creates 163.31771(1)	X			
20	<ul style="list-style-type: none"> Provides definitions. 	Creates 163.31771(2)	X			
21	<ul style="list-style-type: none"> Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings. 	Creates 163.31771(3)		X		

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
22	<ul style="list-style-type: none"> 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. 	Creates 163.31771(4)	X			
23	<ul style="list-style-type: none"> 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. 	Creates 163.31771(5)	X			
24	<ul style="list-style-type: none"> Requires the DCA to report to the Legislature. 	Creates 163.31771(6)	X			
25	<ul style="list-style-type: none"> Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act. 	163.3184(1)(b)			N/A	
26	<ul style="list-style-type: none"> 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(1)(m)			N/A	
27	<ul style="list-style-type: none"> 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. 	163.32			N/A	
28	<ul style="list-style-type: none"> Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element 	163.3191(2)(n)	X		N/A	

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	were successful in achieving land use compatibility with military installations .					
	2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida					
29	• Added the definition of “financial feasibility.”	163.3164(32) [New]				CIE: Ordinance 2008-46,
30	• Required comprehensive plans to be “financially” rather than “economically” feasible .	163.3177(2)				CIE: Ordinance 2008-46,
31	• 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 .	163.3177(3)(a)5.				CIE: Ordinance 2008-46,
32	• 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.	163.3177(3)(a)6.b.1.				
33	• Added oversight and penalty provision for failure to adhere to this section’s capital improvements requirements.	163.3177(3)(a)6.c.				
34	• Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.	163.3177(3)(a)6.d.				

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
35	<ul style="list-style-type: none"> Deleted date (October 1, 1999) by which school sitting requirements must be adopted. 	163.3177(6)(a)			N/A	
36	<ul style="list-style-type: none"> Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities). 	163.3177(6)(a)				PWE: Ordinance 2008-40, 09/09/2008; FUALUE: Not yet addressed
37	<ul style="list-style-type: none"> 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. 	163.3177(6)(a)			N/A	
38	<ul style="list-style-type: none"> 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. 	163.3177(6)(c)				PWE: Ordinance 2008-40, 09/09/2008;
39	<ul style="list-style-type: none"> Added waterways to the system of sites addressed by the recreation and open space element. 	163.3177(6)(e)				ROSE: Ordinance 2001-53, November 13, 2001;
40	<ul style="list-style-type: none"> The intergovernmental coordination element must address coordination with regional water supply 	163.3177(6)(h)1.				ICE: Ordinance 2009-61, 09/22/2009;

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	authorities.					
41	• Required rural land stewardship areas to address affordable housing .	163.3177(11)(d)4.c.			N/A	
42	• 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.	163.3177(11)(d)5	X			
43	• Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area .	163.3177(11)(d)6	X			
44	• Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.	163.3177(11)(d)6.j	X			
45	• Must adopt public school facilities element .	163.3177(12)				PSFE: Ordinance 2008-03, 01/15/2008;
46	• A waiver from providing this element will be allowed under certain circumstances (<i>PSFE</i>).	163.3177(12)(a) and (b)	X			
47	• Expanded list of items to be to include collocation, location of schools proximate to residential areas , and use of schools as emergency shelters .	163.3177(12)(g)	X			
48	• Required local governments to provide maps depicting the general location of new schools and school improvements within	163.3177(12)(h)				PSFE: Ordinance 2009-02, 12/08/2009;

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	future conditions maps.					
49	<ul style="list-style-type: none"> Required DCA to establish a schedule for adoption of the public school facilities element. 	163.3177(12)(i)	X			
50	<ul style="list-style-type: none"> Established penalty for failure to adopt a public school facility element. 	163.3177(12)(j)	X			
51	<ul style="list-style-type: none"> (New section) Encourages local governments to develop a “community vision,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. 	163.3177(13)		X		
52	<ul style="list-style-type: none"> (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). 	163.3177(14)		X		
53	163.31776 is repealed	163.31776 [Now: Repealed]	X			
54	<ul style="list-style-type: none"> 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(2)	X			
55	<ul style="list-style-type: none"> 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. 	163.31777(5)			N/A	

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
56	<ul style="list-style-type: none"> 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. 	163.31777(7)	X			
57	<ul style="list-style-type: none"> 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(2)(g)			N/A	
58	<ul style="list-style-type: none"> Added "schools" as a required concurrency item. 	163.3180(1)(a)				FUALUE: Ordinance 2008-35, 06/24/2008;
59	<ul style="list-style-type: none"> 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. 	163.3180(2)(a)				PWE: Ordinance 2008-40, 09/09/2008;
60	<ul style="list-style-type: none"> Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit. 	163.3180(2)(c)				LDC Ordinance 2005-8
61	<ul style="list-style-type: none"> 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. 	163.3180(4)(c)	X			

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
62	<ul style="list-style-type: none"> Required guidelines for granting concurrency exceptions to be included in the comprehensive plan. 	163.3180(5)(d)	X			
63	<ul style="list-style-type: none"> 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. 	163.3180(5)(e)-(g)		X		
64	<ul style="list-style-type: none"> Required local government to maintain records to determine whether 110% de minimus 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 minimus exceptions. 	163.3180(6)			N/A	De Minimus requirements are not part of the Broward County Comprehensive Plan, and also it is not part of the Broward County Land Development Regulations.
65	<ul style="list-style-type: none"> Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill 	163.3180(7)				TE: Ordinance 2009-13, 3/24/2009

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	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.					
66	<ul style="list-style-type: none"> Allowed adoption of a long-term concurrency management system for schools. 	163.3180(9)(a)				LDC: Ordinance 2008-07, 4/18/08
67	<ul style="list-style-type: none"> (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. 	163.3180(9)(c)				LDC: Ordinance 2008-07, 4/18/08
68	<ul style="list-style-type: none"> (New section) Required evaluation in Evaluation and Appraisal Report of progress in improving levels of service.. 	163.3180(9)(d)	X			
70	<ul style="list-style-type: none"> 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. 	163.3180(10)				TE: Ordinance 2009-13, 3/24/2009
71	<ul style="list-style-type: none"> Required school concurrency (not optional). 	163.3180(13)				PSFE: Ordinance 2008-03, 01/15/2008; FUALUE: Ordinance 2008-35, 06/24/2008;
72	<ul style="list-style-type: none"> Requires school concurrency after five years to be applied on a “less than districtwide 	163.3180(13)(c)1	X			Interlocal Agreement For Public School

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	basis " (i.e., by using school attendance zones, etc).					Facilities Planning (ILA)
73	<ul style="list-style-type: none"> Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries. 	163.3180(13)(c)2	X			
74	<ul style="list-style-type: none"> No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must be shifted to contiguous service areas with school capacity. 	163.3180(13)(c)3	X			ILA, PSFE: Ordinance 2008-03, 01/15/2008
75	<ul style="list-style-type: none"> Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand. 	163.3180(13)(e)	X			LDC: Ordinance 2008-07, 4/18/08
76	<ul style="list-style-type: none"> Enumerated mitigation options for achieving proportionate-share mitigation. 	163.3180(13)(e)1	X			ILA, PSFE: Ordinance 2008-03, 01/15/2008
77	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> contribution of land construction, expansion, or payment for land acquisition 	163.3180(13)(e)2	X			Interlocal Agreement For Public School Facilities Planning (ILA)

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
78	<ul style="list-style-type: none"> • (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. 	163.3180(13)(g)2	X			
79	<ul style="list-style-type: none"> • [Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency. 	163.3180(13)(g)6.a	X			LDC: Ordinance 2008-07, 4/18/08
80	<ul style="list-style-type: none"> • [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board. 	163.3180(13)(g)7	X			
81	<ul style="list-style-type: none"> • (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. 	163.3180(13)(h)	X			
82	<ul style="list-style-type: none"> • 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 	163.3180(15)				TE: Ordinance 2008-35, 06/24/2008; LDC: Ordinance 2009-64, 9/22/2009;

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	or at the time of the EAR-base amendment, whichever occurs last.					
83	<ul style="list-style-type: none"> • (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. 	163.3180(16)	X			LDC: Ordinance 2008-07, 4/18/08
84	<ul style="list-style-type: none"> • (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(17) [New]		X		
85	<ul style="list-style-type: none"> • (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. 	163.3184(18) [New]		X		
86	<ul style="list-style-type: none"> • 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 	163.3187(1)(c)1.f	X			Broward County Land Use Plan

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	this limitation.					
87	<ul style="list-style-type: none"> • (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies. 	163.3187(1)(c)4. [New]	X			
88	<ul style="list-style-type: none"> • (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. 	163.3187(1)(o) [New]	X			
89	<ul style="list-style-type: none"> • 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(2)(k)	X		N/A	
90	<ul style="list-style-type: none"> • 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. 	163.3191(2)(l) [New]	X			Broward County, 2011 EAR – Water Supply Planning Major Issue – see Chapter 3
91	<ul style="list-style-type: none"> • (New 2005 provision) The Evaluation and Appraisal Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was 	163.3191(2)(o) [New]	X			Broward County, 2011 EAR – Transportation Element Assessment

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	created.					
92	<ul style="list-style-type: none"> • (New 2005 provision) The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities. 	163.3191(2)(p)	X			Broward County, 2011 EAR – Transportation Element Assessment
93	<ul style="list-style-type: none"> • The Evaluation and Appraisal Report based amendments 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. 	163.3191(10)	X			
94	<ul style="list-style-type: none"> • New section designating Freeport as a certified community. 	163.3246(10) [New]			N/A	
95	<ul style="list-style-type: none"> • 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(11) [New]			N/A	
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, <u>Laws of Florida</u>]						
96	<ul style="list-style-type: none"> • Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF. 	163.3162(5) [New]			N/A	
97	<ul style="list-style-type: none"> • Defines agricultural enclave. Ch. 2006-255, LOF. 	163.3164(33) [New]	X			

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
98	<ul style="list-style-type: none"> • 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]		X		
99	<ul style="list-style-type: none"> • 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.			N/A	
100	<ul style="list-style-type: none"> • 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)	X			
101	<ul style="list-style-type: none"> • 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			
102	<ul style="list-style-type: none"> • 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)				CME: not yet addressed
103	<ul style="list-style-type: none"> • 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 	163.3178(9)(a) [New]				CME: not yet addressed

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.					
104	<ul style="list-style-type: none"> • 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]	X			
105	<ul style="list-style-type: none"> • 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)				FUALUE: not yet addressed; CME: not yet addressed
106	<ul style="list-style-type: none"> • 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)	X			
107	<ul style="list-style-type: none"> • 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)	X			
108	<ul style="list-style-type: none"> • 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.	X			

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
109	<ul style="list-style-type: none"> 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]				BCLUP
110	<ul style="list-style-type: none"> 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]	X			
111	<ul style="list-style-type: none"> 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. 	163.3209 [New]	X			
112	<ul style="list-style-type: none"> 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 	163.3209 [New]				BCLUP

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	twice per year limitation on the frequency of plan amendment adoptions.					
2007 Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida]						
113	<ul style="list-style-type: none"> Expands the definition of “urban redevelopment” to include a community redevelopment area. Ch. 2007-204, LOF. 	163.3164(26)	X			
114	<ul style="list-style-type: none"> 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(32)				CIE: Ordinances 2008-46; 2009-71
115	<ul style="list-style-type: none"> 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. 	163.3177(2)				CIE: Ordinances 2008-46; 2009-71
116	<ul style="list-style-type: none"> Revises the citation to the MPO’s TIP and long-range transportation plan. Ch. 2007-196, LOF. 	163.3177(3)(a)6.		X		

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
117	<ul style="list-style-type: none"> 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. 	163.3177(3)(b)1.				CIE: Ordinances 2008-46; 2009- 71
118	<ul style="list-style-type: none"> 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. 	163.3177(3)(c)	X			
119	<ul style="list-style-type: none"> 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. 	163.3177(3)(e) [New]	X			
120	<ul style="list-style-type: none"> Revises the Housing Element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF. 	163.3177(6)(f)1.d.				HE: Ordinance 2006-67

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
121	<ul style="list-style-type: none"> 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. 	163.3177(6)h. and i. [New]		X		
122	<ul style="list-style-type: none"> Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF. 	163.3180(4)(b)	X			
123	<ul style="list-style-type: none"> Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF. 	163.3180(5)(b)5	X			
124	<ul style="list-style-type: none"> 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. 	163.3180(5)(f)	X			
125	<ul style="list-style-type: none"> 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. 	163.3180(12) and (12)(a)	X			
126	<ul style="list-style-type: none"> 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 	163.3180(12)(d) [New]				CIE: Ordinances 2008-46; 2009-71

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
	backlogs. Ch. 2007-204, LOF.					
127	<ul style="list-style-type: none"> A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF. 	163.3180(13)(e)4 [New]				LDC
128	<ul style="list-style-type: none"> 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. 	163.3180(16)(c) and (f) [New]				CIE: Ordinances 2008-46; 2009- 71
129	<ul style="list-style-type: none"> 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. 	163.3180(17) [New]				LDC
130	<ul style="list-style-type: none"> 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]		X		
131	<ul style="list-style-type: none"> Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF. 	163.3184(19) [New]	X			

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
132	<ul style="list-style-type: none"> 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]	X			
133	<ul style="list-style-type: none"> 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]		X		
134	<ul style="list-style-type: none"> Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF. 	163.32	X			
135	<ul style="list-style-type: none"> 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			
136	<ul style="list-style-type: none"> 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]	X			
137	<ul style="list-style-type: none"> 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)	X			
	2008 Ch. 2008-191 and Ch. 2008-227, Laws of Florida]					
138	<ul style="list-style-type: none"> The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF. 	163.3177(6)(a)				FUALUE: Ordinance 2009-60

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
139	<ul style="list-style-type: none"> 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)				FUALUE: Ordinance 2009-60
140	<ul style="list-style-type: none"> The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF. 	163.3177(6)(a)				FUALUE: Ordinance 2009-60
141	<ul style="list-style-type: none"> The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF. 	163.3177(6)(b)				TE: Ordinance 2009-68
142	<ul style="list-style-type: none"> The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF. 	163.3177(6)(d)				CE: Ordinance 2009-62
143	<ul style="list-style-type: none"> The future land use map series must depict energy conservation. Ch. 2008-191, LOF. 	163.3177(6)(d)				FUALUE: Not addressed
144	<ul style="list-style-type: none"> 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.				HE: Ordinance 2009-59
145	<ul style="list-style-type: none"> 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)				TE: Ordinance 2009-68
146	<ul style="list-style-type: none"> 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			
2009 Ch. 2009-96, Laws of Florida]						

	Changes to Chapter 163, F.S. 2004-2009	Citations	Procedural	Optional Plan Provisions	N/A	Addressed
147	<ul style="list-style-type: none"> Revise definition of the term "existing urban service area", and provide definition of the term "dense urban land area". 	163.3164(29), and (34)	X			
148	<ul style="list-style-type: none"> The annual update to the Capital Improvement Element (CIE) needs not comply with the financial feasibility requirement until December 1, 2011. 	163.3177(3)(b)1	X			
149	<ul style="list-style-type: none"> A local government's comprehensive plan and plan amendment for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards for transportation. 	163.3177(3)(b)2(f)	X			
150	<ul style="list-style-type: none"> Revise Transportation Concurrency Exception Areas 	163.3180(5), and (10)	X			

Changes to Rule 9J-5, F.A.C.

No changes were made since the adoption of Broward County's EAR in 2004. Changes to 9J-5, F.A.C. have been proposed related to HB 697, but as of November 2010 have been withdrawn for further review.

Table 6-2 Changes to the State of Florida Plan

	Ch 2008-227 LOF, Section 5	Amendment Needed By Element	Procedural	Optional Plan Provisions	NA	Addressed
	Future Land Use Element					
1	c) A new Policy was added under Goal (15) Land Use: 8. Provide for the siting of low-carbon-emitting electric power plants, including nuclear power plants, to meet the state's determined need for electric power generation.	FUALUE			X	
	Conservation Element					

	Ch 2008-227 LOF, Section 5	Amendment Needed By Element	Procedural	Optional Plan Provisions	NA	Addressed
2	<p>a) A new policy was added under Goal (10) Air Quality: 6. Encourage the development of low-carbon-emitting electric power plants.</p> <p>b) Goal 11 Energy was revised as follows: Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors and shall reduce atmospheric carbon dioxide by promoting an increase use of renewable energy resources and low-carbon-emitting electric power plants.</p>	Conservation Element			X	