COMMITTEE/SUBCOMM	ITTEE ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	(Y/N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Economic Development & Tourism Subcommittee

Representative La Rosa offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Subsection (2), paragraph (e) of subsection (5), and paragraph (d) of subsection (7) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

- (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.-
- (a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

- (b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.
- (c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245 or an amendment to an adopted sector plan; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; propose a development that is subject to the state coordinated review process qualifies as a development of regional impact pursuant to s. 380.06; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167 shall follow the state coordinated review process in subsection (4).
- (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—
- (e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.
- 1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall make every effort to refer the recommended order and its determination expeditiously to the Administration Commission for final agency action, but at a minimum within the time period provided by s. 120.569.

- 2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall make every effort to enter its final order expeditiously, but at a minimum within the time period provided by s. 120.569.
- 3. The recommended order submitted under this paragraph becomes a final order within 90 days after issuance unless the state land planning agency acts as provided in subparagraph 1. or subparagraph 2. or all parties consent in writing to an extension of the 90-day period.
 - (7) MEDIATION AND EXPEDITIOUS RESOLUTION. -
- Absent a showing of extraordinary circumstances or written consent of the parties, if the administrative law judge recommends that the amendment be found not in compliance, the Administration Commission shall issue a final order, in a case proceeding under subsection (5), within 45 days after the issuance of the recommended order, unless the parties agree in writing to a longer time. If the administrative law judge recommends that the amendment be found in compliance, the state land planning agency shall issue a final order within 45 days after the issuance of the recommended order, or the recommended order of in compliance shall become final 46 days after issuance.

Section 2. Subsection (1) of section 163.3245, Florida Statutes, is amended to read:

163.3245 Sector plans.-

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In recognition of the benefits of long-range planning for specific areas, local governments or combinations of local governments may adopt into their comprehensive plans a sector plan in accordance with this section. This section is intended to promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further support innovative and flexible planning and development strategies, and the purposes of this part and part I of chapter 380; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors; and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Sector plans are intended for substantial geographic areas that include at least $5,000 \frac{15,000}{1}$ acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. A sector plan may not be adopted in an area of critical state concern.

Section 3. Subsection (2) of section 171.046, Florida Statutes, is amended to read:

171.046 Annexation of enclaves.-

(2) In order to expedite the annexation of enclaves of $\underline{150}$ $\underline{10}$ acres or less into the most appropriate incorporated

jurisdiction, based upon existing or proposed service provision arrangements, a municipality may:

- (a) Annex an enclave by interlocal agreement with the county having jurisdiction of the enclave; or
- (b) Annex an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave.
- Section 4. Subsection (14), paragraph (g) of subsection (15), paragraphs (b) and (e) of subsection (19), and subsection (30) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.

- (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:
- (a) The development is consistent with the local comprehensive plan and local land development regulations.

 However, a local government may approve a change to a development authorized as a development of regional impact that has the effect of reducing the height, density or intensity of the development from that originally approved if the proposed reduced development would have been consistent with the comprehensive plan in effect when the development was originally

- approved. If approved and in accordance with s. 163.3167(5), the developer does not lose the right to proceed;
 - (b) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12); and
 - (c) The development is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be construed and applied in accordance with s. 187.101(3).
 - (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.
 - (g) A local government shall not issue <u>a permit</u> permits for <u>a</u> development subsequent to the buildout date contained in the development order unless:
 - 1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) <u>after subsequent to</u> the termination or expiration date;
 - 2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);
 - 3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than 40 percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially						
built-out development of regional impact through an agreement						
executed by the developer, the state land planning agency, and						
the local government, in accordance with s. 380.032, which will						
establish the terms and conditions under which the development						
may be continued. If the project is determined to be essentially						
built out, development may proceed pursuant to the s. 380.032						
agreement after the termination or expiration date contained in						
the development order without further development-of-regional-						
impact review subject to the local government comprehensive plan						
and land development regulations or subject to a modified						
development-of-regional-impact analysis. The parties may amend						
the agreement without submission, review, or approval of a						
notification of proposed change pursuant to subsection (19). For						
purposes of As used in this paragraph, a an "essentially built-						
out" development of regional impact is considered essentially						
built out, if means:						

- a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and
- b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

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The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners. In order to accommodate changing market demands and achieve maximum land use efficiency in an essentially built out project, a local government by resolution, and without the concurrence of the state land planning agency, may authorize the developer to exchange one approved land use for another approved land use specified in the agreement when building out the project. Before issuance of a building permit pursuant to an exchange, the developer must demonstrate to the local government that the exchange ratio will not result in a net increase in impacts to public facilities and will meet all

applicable requirements of the comprehensive plan and land development code.

- (19) SUBSTANTIAL DEVIATIONS.-
- (b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria in the following subparagraphs, creates shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review through the notice of proposed change process under this subsection. without the necessity for a finding of same by the local government:
- 1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.
- 2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.
- 3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

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- 4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.
- 224 An increase in the number of dwelling units by 50 225 percent or 200 units, whichever is greater, provided that 15 226 percent of the proposed additional dwelling units are dedicated 227 to affordable workforce housing, subject to a recorded land use 228 restriction that shall be for a period of not less than 20 years 229 and that includes resale provisions to ensure long-term 230 affordability for income-eligible homeowners and renters and 231 provisions for the workforce housing to be commenced before 232 prior to the completion of 50 percent of the market rate 233 dwelling. For purposes of this subparagraph, the term 234 "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median 235 236 income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a 237 238 single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of 239 this subparagraph, the term "statewide median purchase price of 240 241 a single-family existing home" means the statewide purchase 242 price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association 243 244 of Realtors and the University of Florida Real Estate Research 245 Center.
 - An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for

customers for 425 cars or a 10 percent increase, whichever is greater.

- 7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.
- 8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.
- 9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.
- 10. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.
- 11. Any change that would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State.

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The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., 6., and 9., excluding residential uses, and in subparagraph 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Department of Economic Opportunity as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order which individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning

agency. Such notice must include a description of previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.

- 2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:
- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback which do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
 - c. Changes to minimum lot sizes.
- d. Changes in the configuration of internal roads which do not affect external access points.
- e. Changes to the building design or orientation which stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.
- f. Changes to increase the acreage in the development, if no development is proposed on the acreage to be added.
- g. Changes to eliminate an approved land use, if there are no additional regional impacts.
- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, if these changes do not create additional regional impacts.

- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.
- j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this subsubparagraph, the survey, habitat evaluation, or assessment must occur before the time that a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.
- k. Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project except as otherwise permitted by subsubparagraph j.
- 1. A phase date extension, if the state land planning agency, in consultation with the regional planning council and subject to the written concurrence of the Department of Transportation, agrees that the traffic impact is not significant and adverse under applicable state agency rules.
- $\underline{\text{m.l.}}$ Any other change that the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs $\underline{\text{a.-l.}}$ $\underline{\text{a.-k.}}$ and that

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does not create the likelihood of any additional regional impact.

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This subsection does not require the filing of a notice of proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m. 1. and if the agency believes that the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

- 4. Any submittal of a proposed change to a previously approved development must include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.
- 5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence: \cdot
- a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.
- b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c) and (d) and residential use.
- 6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting

the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan may not be considered an additional regional transportation impact.

- otherwise subject to the review requirements of this section shall be approved by a local government pursuant to s. 163.3184(4) in lieu of proceeding in accordance with this section. However, if the proposed development is consistent with the comprehensive plan as provided in s. 163.3194(3)(b), the development is not required to undergo review pursuant to s. 163.3184(4) or this section. This subsection does not apply to amendments to a development order governing an existing development of regional impact.
- Section 5. Paragraph (c) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:
 - 380.0651 Statewide guidelines and standards.-
- (4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.
- (c) Aggregation is not applicable when the following circumstances and provisions of this chapter are applicable:

- 1. Developments which are otherwise subject to aggregation with a development of regional impact which has received approval through the issuance of a final development order shall not be aggregated with the approved development of regional impact. However, nothing contained in this subparagraph shall preclude the state land planning agency from evaluating an allegedly separate development as a substantial deviation pursuant to s. 380.06(19) or as an independent development of regional impact.
- 2. Two or more developments, each of which is independently a development of regional impact that has or will obtain a development order pursuant to s. 380.06.
- 3. Completion of any development that has been vested pursuant to s. 380.05 or s. 380.06, including vested rights arising out of agreements entered into with the state land planning agency for purposes of resolving vested rights issues. Development-of-regional-impact review of additions to vested developments of regional impact shall not include review of the impacts resulting from the vested portions of the development.
- 4. The developments sought to be aggregated were authorized to commence development prior to September 1, 1988, and could not have been required to be aggregated under the law existing prior to that date.
- 5. Any development that qualifies for an exemption under s. 380.06(29).

6. Lands acquired for development as a part of an existing development of regional impact that has been developed are not subject to aggregation if the newly acquired lands comprise an area that is equal to or less than 10 percent of the total acreage subject to the existing development-of-regional-impact development order.

Section 6. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

- (1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06_{7} but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards, a development that or has reduced its size below the thresholds in s. 380.0651, or a development that is exempt pursuant to s. 380.06(24) or (29), or a development that elects to rescind the development order shall be governed by the following procedures:
- (a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures

for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed before a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies.

Section 7. This act shall take effect July 1, 2016.

TITLE AMENDMENT

Remove everything before the enacting clause and insert:
An act relating to growth management; amending s. 163.3184,
F.S.; specifying that certain developments must follow the state

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coordinated review process; providing timeframes within which the Division of Administrative Hearings must transmit certain recommended orders to the Administration Commission; providing that certain recommended orders become final within a specified period after issuance; amending s. 163.3245, F.S.; revising the acreage thresholds for sector plans; amending s. 171.046, F.S.; revising the size of an enclave that a municipality may annex on an expedited basis; amending s. 380.06, F.S.; authorizing certain changes to approved developments of regional impact; authorizing parties to amend certain development agreements without submittal, review, or approval of a notification of proposed change; providing criteria under which one approved land use may be submitted for another approved land use in certain land development agreements under certain circumstances; providing a rebuttable presumption that certain proposed changes to certain developments are a substantial deviation; specifying that if the presumption is not rebutted, the development must undergo further development-of-regional-impact review; providing that certain phase date extensions to amend a development order are not substantial deviations under certain circumstances; specifying conditions under which certain proposed developments are not required to undergo the state coordinated review process; amending s. 380.0651, F.S.; providing that lands acquired for development are not subject to aggregation under certain circumstances; amending s. 380.115, F.S.; providing the

COMMITTEE/SUBCOMMITTEE AMENDMENT

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procedures to be used by a development that elects to rescind a development order; providing an effective date.

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