Tab 2	**SB 382** by **Book (CO-INTRODUCERS) Campbell**; (Identical to H 00205) Transportation Facility Designations/Deputy Ryan Seguin Memorial Highway

863526	D	S	RCS	ATD, Book	Delete everything after	02/08 03:25 PM

Tab 3	**SB 504** by **Perry**; (Similar to H 00215) Autocycles

Tab 4	**CS/SB 632** by **TR, Montford (CO-INTRODUCERS) Powell**; (Similar to H 00247) Vessel Registration

Tab 5	**SB 752** by **Mayfield**; (Identical to H 00913) Specialty License Plates/Childhood Cancer Awareness

Tab 6	**SB 1012** by **Passidomo (CO-INTRODUCERS) Young**; Alligator Alley Toll Road

386920	A	S	RCS	ATD, Passidomo	btw L.14 - 15:	02/08 03:28 PM
321764	A	S	RCS	ATD, Passidomo	Delete L.33:	02/08 03:28 PM

Tab 7	**CS/SB 1244** by **CA, Lee**; (Similar to CS/H 01151) Growth Management

969798	A	S	RCS	ATD, Lee	Delete L.1068 - 1086:	02/08 03:29 PM
857214	A	S	RCS	ATD, Lee	Delete L.1362 - 1367:	02/08 03:29 PM

Tab 8	**SB 1248** by **Gainer**; (Identical to H 00983) Specialty License Plates/Coastal Conservation Association

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT
Senator Simpson, Chair
Senator Powell, Vice Chair

MEETING DATE: Thursday, February 8, 2018
TIME: 10:00—11:30 a.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Powell, Vice Chair; Senators Benacquisto, Bradley, Gainer, Galvano, Gibson, Rader, Stargel, and Thurston

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.		
	Secretary of Transportation		
1	Dew, Michael J. (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
2	**SB 382** Book (Identical H 205)	Transportation Facility Designations/Deputy Ryan Seguin Memorial Highway ; Providing honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers, etc. TR 11/14/2017 Favorable ATD 02/08/2018 Fav/CS AP	Fav/CS Yeas 9 Nays 0
3	**SB 504** Perry (Similar H 215)	Autocycles; Defining the term “autocycle”; requiring safety belt or, if applicable, child restraint usage by an operator or passenger of an autocycle; including an autocycle in the definition of the term “motorcycle”; authorizing a person to operate an autocycle without a motorcycle endorsement, etc. TR 11/14/2017 Favorable ATD 02/08/2018 Favorable AP	Favorable Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**CS/SB 632** Transportation / Montford (Similar H 247, Linked S 1920)	Vessel Registration; Authorizing the Department of Highway Safety and Motor Vehicles to issue an electronic certificate of registration for a vessel, to collect electronic mail addresses, and to use electronic mail for certain purposes; authorizing a vessel operator to present such electronic certificate for inspection under certain circumstances; providing that the person displaying the device assumes the liability for any resulting damage to the device, etc. TR 12/05/2017 Fav/CS ATD 02/08/2018 Favorable AP	Favorable Yeas 8 Nays 0
5	**SB 752** Mayfield (Identical H 913)	Specialty License Plates/Childhood Cancer Awareness ; Establishing an annual use fee for the Childhood Cancer Awareness license plate; requiring the Department of Highway Safety and Motor Vehicles to develop a Childhood Cancer Awareness license plate, etc. TR 12/05/2017 Favorable ATD 02/08/2018 Favorable AP	Favorable Yeas 8 Nays 0
6	**SB 1012** Passidomo	Alligator Alley Toll Road; Requiring fees generated from tolls to be used to reimburse, by interlocal agreement effective for a specified period of time, a county or another local governmental entity for the direct actual costs of operating a specified fire station, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public, etc. TR 01/18/2018 Favorable ATD 02/08/2018 Fav/CS AP	Fav/CS Yeas 10 Nays 0
7	**CS/SB 1244** Community Affairs / Lee (Similar CS/H 1151, Compare S 84)	Growth Management; Adding a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding; revising the statewide guidelines and standards for developments of regional impact; specifying that amendments to a development order for an approved development may not alter the dates before which a development would be subject to downzoning, unit density reduction, or intensity reduction, except under certain conditions; requiring local governments to file a notice of abandonment under certain conditions, etc. CA 01/23/2018 Fav/CS ATD 02/08/2018 Fav/CS AP RC	Fav/CS Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	**SB 1248** Gainer (Identical H 983)	Specialty License Plates/Coastal Conservation Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Coastal Conservation Association license plate; establishing an annual use fee for the plate, etc. TR 01/18/2018 Favorable ATD 02/08/2018 Favorable AP	Favorable Yeas 8 Nays 0

Other Related Meeting Documents

RICK SCOTT
GOVERNOR

RECEIVED
17 JUN -7 AM 10:01
DIVISION OF ELECTIONS
SECRETARY OF STATE

June 5, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised that I have made the following appointment under the provisions of Section 20.23, Florida Statutes:

Michael Dew
1717 Old Fort Drive
Tallahassee, Florida 32301

as Secretary of the Florida Department of Transportation, subject to confirmation by the Senate. This appointment is effective June 5, 2017, for a term ending at the pleasure of the Governor.

Sincerely,

Rick Scott
Governor

RS/cr

11793

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

RECEIVED
17 JUL -6 PM 1:25
DIVISION OF ELECTIONS
SECRETARY OF STATE

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Secretary of the Florida Department of Transportation

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 23rd *day of* June 2017.

Signature of Officer Administering Oath or of Notary Public

NOTARY PUBLIC STATE OF FLORIDA
JENNIFFER L. PARFIT
MY COMMISSION # FF 005
EXPIRES: August 4, 20
Bonded Thru Budget Notary Serv

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ *OR* *Produced Identification* ☐

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☑ Office

605 Suwannee Street
Street or Post Office Box

Tallahassee, FL 32399-0450
City, State, Zip Code

Michael J. Dew
Print Name

Signature

DS-DE 56 (Rev. 11/16)

2325

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Michael J. Dew

is duly appointed

Secretary,
Department of Transportation

for a term beginning on the Fifth day of June, A.D., 2017, to serve at the pleasure of the Governor and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Seventh day of July, A.D., 2017.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The Florida Senate

Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Michael J. Dew

Secretary of Transportation

NOTICE OF HEARING

TO: Secretary Michael J. Dew

YOU ARE HEREBY NOTIFIED that the Appropriations Subcommittee on Transportation, Tourism, and Economic Development of the Florida Senate will conduct a hearing on your executive appointment on Thursday, February 8, 2018, in the Toni Jennings Committee Room, 110 Senate Office Building, commencing at 10:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 30th day of January, 2018

Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Senator Wilton Simpson
As Chair and by authority of the committee

cc: Members, Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Office of the Sergeant at Arms

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18
Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Confirmation Hearing

Name Secretary Mike Dew

Job Title Secretary of Transportation

Address 605 Suwannee St. MS 57
Street
Tallahassee FL 32399
City *State* *Zip*

Phone 850 414 4575

Email mike.dew@dot.state.fl.us

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA DEPARTMENT OF TRANSPORTATION

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Michael J. Dew

ANSWER: I DO

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Appropriations Subcommittee on Transportation, Tourism, and Economic Development

DATE: February 8, 2018

File 1 copy with the Secretary of the Senate

S-002 (01/12/2015)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By:	The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development
BILL:	PCS/SB 382 (514736)
INTRODUCER:	Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Senator Book
SUBJECT:	Transportation Facility Designations/Deputy Ryan Seguin Memorial Highway
DATE:	February 8, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Favorable**
2.	McAuliffe	Hrdlicka	ATD	**Recommend: Fav/CS**
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 382 designates the portion of I-595 between S.W. 136th Avenue and S.R. 823/Flamingo Road in Broward County as "Deputy Ryan Seguin Memorial Highway," and designates the portion I-75/Alligator Alley between mile marker 24 and mile marker 26 in Broward County as "Trooper Stephen G. Rouse Memorial Highway."

The bill directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under this bill is $2,000.

The bill takes effect July 1, 2018.

II. Present Situation:

Transportation Facility Designations

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations do not require any action by local governments or private parties regarding the changing of any street

signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.[1]

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.[2]

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.[3]

Deputy Ryan Seguin[4]

Deputy Ryan Seguin, a three-year Broward County Sheriff's Office veteran, received a Life Saving Award in 2005 from the Broward County Sheriff after saving the life of a child in danger of drowning and earned Employee of the Month honors in the Sheriff's Office Weston district four times. Deputy Seguin came from a law enforcement family; his father was a retired police officer for the Ft. Lauderdale Police Department.

Deputy Seguin, 23 years old, was killed during a traffic stop near Davie, Florida, on the evening of February 15, 2006. Deputy Seguin was outside his vehicle in the westbound lanes of I-595 when a passing car struck and killed him on impact. Deputy Seguin was laid to rest in Alpena, Michigan.

Trooper Stephen G. Rouse[5]

Trooper Stephen G. Rouse had served the residents of Florida with the Florida Highway Patrol (FHP) for 11 months. His career with FHP began May 5, 1986. He was in the 76th recruit class in Tallahassee, from May 5 to August 22, 1986, and was stationed in Fort Lauderdale.

On March 28, 1987, Trooper Rouse was killed in an automobile accident in Broward County on I-75 (Alligator Alley) at the toll booth area. He was responding to a fatal accident call on Alligator Alley, when a van made a U-turn in front of him. At the time of his death, he was 23.

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[1] Section 334.071(1), F.S.
[2] Section 334.071(2), F.S.
[3] Section 334.071(3), F.S.
[4] *See* Officer Down Memorial Page, *Deputy Sheriff Ryan Christopher Seguin*, available at http://www.odmp.org/officer/18145-deputy-sheriff-ryan-christopher-seguin and Sacasa, Adam, *Move police officers hit as drivers fail to move over*, Sun Sentinel (Feb. 15, 2017) available at http://www.sun-sentinel.com/local/fl-sb-pn-move-over-law-awareness-20170215-story.html (both sites last visited Jan. 31, 2018).
[5] Department of Highway Safety and Motor Vehicles, *FHP Memorial: Stephen G. Rouse*, available at https://www.flhsmv.gov/florida-highway-patrol/fhp-memorial/stephen-g-rouse/ (last visited Feb. 8, 2018).

III. Effect of Proposed Changes:

PCS/SB 382 designates the portion of I-595 between S.W. 136th Avenue and S.R. 823/Flamingo Road in Broward County as "Deputy Ryan Seguin Memorial Highway," and designates the portion I-75/Alligator Alley between mile marker 24 and mile marker 26 in Broward County as "Trooper Stephen G. Rouse Memorial Highway."

The bill directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required by the bill is $2,000, based on the assumptions that four markers are required and each marker costs the FDOT at least $500. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, the dedication event, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 8, 2018:
The committee substitute designates the portion of I-75/Alligator Alley between mile marker 24 and mile marker 26 in Broward County as "Trooper Stephen G. Rouse Memorial Highway."

B. Amendments:

None.

863526

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of I-595 between S.W. 136th Avenue and S.R. 823/Flamingo Road in Broward County is designated as "Deputy Ryan Seguin Memorial Highway."

(2) That portion of I-75/Alligator Alley between mile

863526

marker 24 and mile marker 26 in Broward County is designated as "Trooper Stephen G. Rouse Memorial Highway."

(3) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

Section 2. This act shall take effect July 1, 2018.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

By Senator Book

32-00625-18 2018382__

A bill to be entitled

An act relating to transportation facility designations; providing honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Deputy Ryan Seguin Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of I-595 between S.W. 136th Avenue and S.R. 823/Flamingo Road in Broward County is designated as "Deputy Ryan Seguin Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy Ryan Seguin Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on the Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Education
Environmental Preservation and Conservation
Health Policy
Rules

SENATOR LAUREN BOOK
Democratic Leader Pro Tempore
32nd District

November 14, 2017

Chairman Wilton Simpson
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Simpson,

I respectfully request that you place SB 382, relating to Transportation Facility Designations/Deputy Ryan Seguin Memorial Highway, on the agenda of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

Lauren Book

Senator Lauren Book
Senate District 32

cc: Jennifer Hrdlicka, Staff Director
Tempie Sailors Administrative Assistant

REPLY TO:
❒ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
❒ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: *www.flsenate.gov*

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-18
Meeting Date

342
Bill Number (if applicable)

Topic Highway Designation Deputy Sgt. and Mem HWY

Amendment Barcode (if applicable)

Name DAVID FOLSOM for Sheriff Walt McNeil

Job Title Chief of Staff

Address Leon County Sheriff's office
Street

Tallahassee, FL
City *State* *Zip*

Phone 850-544-2635

Email folsomd@leoncountyfl.gov

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Sheriff Walt McNeil - Leon County Sheriff's office

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	SB 504
INTRODUCER:	Senator Perry
SUBJECT:	Autocycles
DATE:	December 14, 2017
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	**Favorable**
2.	Wells	Hrdlicka	ATD	**Recommend: Favorable**
3.			AP	

I. Summary:

SB 504 defines the term "autocycle," requires that occupants of autocycles wear safety belts, and exempts drivers of autocycles from motorcycle endorsement or motorcycle license requirements, which exempts them from completing motorcycle knowledge and skills testing in order to operate an autocycle.

Due to motorcycle licenses or endorsements no longer being a requirement to operate an autocycle, the bill will reduce revenues received by the Department of Highway Safety and Motor Vehicles (DHSMV) by an insignificant amount annually.

The bill takes effect July 1, 2018.

II. Present Situation:

An autocycle is commonly defined as a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.[1] The term "autocycle" is not defined in federal law; however, as of May 2017, at least 34 states statutorily define the term "autocycle."[2]

Both federal and Florida law define "motorcycle" as a motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.[3] In 2015, the U.S. Department of Transportation (DOT) and the National Highway Traffic Safety Administration (NHTSA) proposed a rulemaking framework to change the federal

[1] American Association of Motor Vehicle Administrators (AAMVA), *Best Practices for the Regulation of Three-Wheel Vehicles* (October 2013), *available at* http://www.aamva.org/3wheelvehiclebp/ at p. 4 (last visited Dec. 14, 2017).
[2] National Conference of State Legislatures (NCSL), *The Confusing World of Autocycles* (May 30, 2017), *available at* http://www.ncsl.org/blog/2017/05/30/the-confusing-world-of-autocycles.aspx (last visited Dec. 14, 2017).
[3] 49 C.F.R. 571.3; and ss. 316.003(41) and 320.01(26), F.S.

regulatory definition of "motorcycle" to exclude three-wheeled vehicles configured like passenger cars, but that rule has not been finalized and no additional action has been taken on it since November 2015.[4] Currently, the DHSMV registers autocycles as motorcycles.[5] This means an operator of an autocycle, generally, is not required to maintain motor vehicle insurance[6] or wear safety belts[7], but is required to:

- Maintain a motorcycle endorsement or motorcycle license;[8]
- Wear a helmet, unless he or she is over 21 years of age with at least $10,000 of medical insurance or riding in an enclosed cab;[9] and
- Wear eye protection.[10]

In Fiscal Year 2016-2017, the DHSMV processed 589 original autocycle registrations and 988 autocycle registration renewals.[11]

Because autocycles share more characteristics with passenger motor vehicles than motorcycles, some of the motorcycle requirements, or lack of requirements, may or may not be necessary for autocycles. For example, studies suggest a motorcycle endorsement or motorcycle license should not be required for operating an autocycle.[12] Motorcycle rider courses primarily focus on operating a motorcycle in which the operator sits astride the saddle and uses handlebars, while using his or her body weight, balance, and position on the motorcycle to corner or stop; however, operating an autocycle requires mechanics similar to a passenger motor vehicle. At least 22 states do not require a motorcycle endorsement or motorcycle license to operate an autocycle.[13]

Additionally, states vary in the definition and safety requirements of an autocycle. Of the states that have a statutory definition for autocycle:[14]

- 19 states require autocycles to have seat belts;
- 15 states require autocycles to be enclosed;
- 11 states require autocycles to meet federal motorcycle safety requirements;
- 10 states require autocycles to have a roll cage or roll bar;
- 8 states require autocycles to have antilock brakes; and
- 4 states require autocycles to have airbags.

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[4] *Id.* and DOT/NHTSA RIN: 2127-AL15, *Amend Definition of 3-Wheeled Vehicles* (Fall 2015), *available at* https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=2127-AL15 (last visited Dec. 14, 2017).
[5] DHSMV Technical Advisory RS/TL16-015, *Registering the Slingshot* (June 20, 2016), *available at* https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-015.pdf (last visited Dec. 14, 2017).
[6] See ch. 324, F.S., on Motor Vehicle Financial Responsibility.
[7] See s. 316.614(3)(a)5., F.S.
[8] Section 322.03(4), F.S.; s. 322.21(1)(g), F.S., provides that a license endorsement is $7.
[9] Section 316.211, F.S.
[10] Section 316.211(2), F.S.
[11] Revenue Estimating Conference, Autocycles – HB 215 (Oct. 27, 2017) available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page69.pdf (last visited Jan. 3, 2017).
[12] AAMVA, *supra* note 1 at p. 5 and 9.
[13] NCSL, *Traffic Safety Trends – State Legislative Action 2015* (Feb. 2016), *available at* http://www.ncsl.org/Portals/1/Documents/transportation/2015_Traffic_Safety_Trends.pdf at p. 23 (last visited Dec. 14, 2017).
[14] *NCSL, Transportation Review - Autocycles (*Apr., 17, 2017*),* available at http://www.ncsl.org/research/transportation/transportation-review-autocycles.aspx (last visited Nov. 3, 2017).

There is little research or crash data available concerning the safety of autocycles. Because autocycles fall under the definition of a motorcycle they are required to meet the federal safety standards required for motorcycles; thus, autocycles are not required to meet the crash safety standards or occupant safety criteria that a regular passenger motor vehicle is required to meet. NHTSA has concerns that the overall appearance of autocycles, being closer to the appearance of a car than a motorcycle, may cause people to think autocycles are as safe as passenger motor vehicles.[15]

III. Effect of Proposed Changes:

Section 1 amends s. 316.003, F.S., to define an autocycle as a three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured by a NHTSA-registered manufacturer in accordance with the applicable federal motorcycle safety standards.

Sections 1 and 3 amend ss. 316.003 and 320.01, F.S., respectively, to include an autocycle in the definition of a motorcycle. The definition of motorcycle is amended in both sections to provide consistency.

Section 2 amends s. 316.614, F.S., to require that the operator, front seat passenger, and any passenger under the age of 18 years old in an autocycle wear a safety belt.

Sections 4 and 5 amend ss. 322.03 and 322.12, F.S., respectively, to exempt an operator of an autocycle from motorcycle endorsement or motorcycle license requirements, and from the motorcycle skills and motorcycle knowledge testing requirement to operate an autocycle.

Sections 6-9 amend ss. 212.05, 316.303, 320.08, and 655.960, F.S., respectively, to correct cross-references.

Section 10 provides that the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[15] AAMVA, *supra* note 1 at p. 2.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Operators of autocycles will no longer be required to obtain motorcycle endorsements or motorcycle licenses to operate autocycles or to complete motorcycle safety courses and a motorcycle knowledge and skills tests currently required to obtain such licenses or endorsements.

Businesses that offer basic rider courses may see a decrease in course registrations for operators of autocycles.

C. Government Sector Impact:

The Revenue Estimating Conference (REC) reviewed similar provisions in HB 215 and determined the bill will reduce revenues deposited into the Highway Safety Operating Trust Fund of the DHSMV by an insignificant amount annually as a result of autocycle operators no longer needing a motorcycle endorsement to operate the vehicle lawfully.[16]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.614, 320.01, 322.03, 322.12, 212.05, 316.303, 320.08, and 655.960.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

[16] REC, *supra* note 11.

B. Amendments:

None.

By Senator Perry

8-00391-18 2018504__

A bill to be entitled

An act relating to autocycles; amending s. 316.003, F.S.; defining the term "autocycle"; revising the definition of the term "motorcycle"; conforming a cross-reference; amending s. 316.614, F.S.; requiring safety belt or, if applicable, child restraint usage by an operator or passenger of an autocycle; amending s. 320.01, F.S.; including an autocycle in the definition of the term "motorcycle"; amending s. 322.03, F.S.; authorizing a person to operate an autocycle without a motorcycle endorsement; amending s. 322.12, F.S.; providing applicability; amending ss. 212.05, 316.303, 320.08, and 655.960, F.S.; conforming cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (2) through (99) of section 316.003, Florida Statutes, are renumbered as subsections (3) through (100), respectively, a new subsection (2) is added to that section, and present subsections (41) and (57) are amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant,

8-00391-18 2018504__

antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(42) ~~(41)~~ MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include ~~excluding~~ a tractor, ~~or~~ a moped, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(58) ~~(57)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (80)(b) ~~(79)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Subsections (4) and (5) of section 316.614, Florida Statutes, are amended to read:

316.614 Safety belt usage.—

(4) It is unlawful for any person:

(a) To operate a motor vehicle or an autocycle in this state unless each passenger and the operator of the vehicle or autocycle under the age of 18 years are restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle or an autocycle in this state unless the person is restrained by a safety belt.

(5) It is unlawful for any person 18 years of age or older to be a passenger in the front seat of a motor vehicle or an autocycle unless such person is restrained by a safety belt when the vehicle or autocycle is in motion.

Section 3. Subsection (26) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(26) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, as defined in s. 316.003, but excludes a tractor, a moped, or any ~~excluding a~~ vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle. ~~The term "motorcycle" does not include a tractor or a moped.~~

Section 4. Subsection (4) of section 322.03, Florida Statutes, is amended to read:

322.03 Drivers must be licensed; penalties.—

(4) A person may not operate a motorcycle unless he or she holds a driver license that authorizes such operation, subject to the appropriate restrictions and endorsements. A person may operate an autocycle, as defined in s. 316.003, without a motorcycle endorsement.

Section 5. Paragraph (c) is added to subsection (5) of section 322.12, Florida Statutes, to read:

322.12 Examination of applicants.—

(5)

(c) This subsection does not apply to the operation of an autocycle, as defined in s. 316.003.

Section 6. Paragraph (c) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12

months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. 316.003(13)(a) ~~316.003(12)(a)~~ to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

Section 7. Subsections (1) and (3) of section 316.303, Florida Statutes, are amended to read:

316.303 Television receivers.—

(1) No motor vehicle may be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver's seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003(3) ~~316.003(2)~~, and is being operated in autonomous mode, as provided in s. 316.85(2).

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; an

electronic display used by an operator of a vehicle equipped with autonomous technology, as defined in s. 316.003(3) ~~316.003~~; or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

Section 8. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4) ~~316.003(3)~~, tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: $10 flat.

(b) Any moped: $5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of $2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

(d) An ancient or antique motorcycle: $7.50 flat, of which $2.50 shall be deposited into the General Revenue Fund.

(2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: $7.50 flat.

(b) Net weight of less than 2,500 pounds: $14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: $22.50 flat.

(d) Net weight of 3,500 pounds or more: $32.50 flat.

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: $14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: $22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: $32.50 flat.

(d) A truck defined as a "goat," or other vehicle if used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: $7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: $7.50 flat.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: $60.75 flat, of which $15.75 shall be

deposited into the General Revenue Fund.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: $87.75 flat, of which $22.75 shall be deposited into the General Revenue Fund.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: $103 flat, of which $27 shall be deposited into the General Revenue Fund.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat, of which $31 shall be deposited into the General Revenue Fund.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat, of which $46 shall be deposited into the General Revenue Fund.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: $251 flat, of which $65 shall be deposited into the General Revenue Fund.

(g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: $324 flat, of which $84 shall be deposited into the General Revenue Fund.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat, of which $105 shall be deposited into the General Revenue Fund.

(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $773 flat, of which $201 shall be deposited into the General Revenue Fund.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $916 flat, of which $238 shall be deposited into the General Revenue Fund.

(k) Gross vehicle weight of 62,000 pounds or more, but less

than 72,000 pounds: $1,080 flat, of which $280 shall be deposited into the General Revenue Fund.

(l) Gross vehicle weight of 72,000 pounds or more: $1,322 flat, of which $343 shall be deposited into the General Revenue Fund.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within a 150-mile radius of its home address is eligible for a license plate for a fee of $324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

Of the fee imposed by this paragraph, $84 shall be deposited into the General Revenue Fund.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within a 150-mile radius of its home address, is eligible for a restricted license plate for a fee of:

1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds, $87.75 flat, of which $22.75 shall be deposited into the General Revenue Fund.

2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail,

water, or motor transportation company, $324 flat, of which $84 shall be deposited into the General Revenue Fund.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $13.50 flat per registration year or any part thereof, of which $3.50 shall be deposited into the General Revenue Fund.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $68 flat per permanent registration, of which $18 shall be deposited into the General Revenue Fund.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: $44 flat, of which $11.50 shall be deposited into the General Revenue Fund.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $118 flat, of which $31 shall be deposited into the General Revenue Fund.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $177 flat, of which $46 shall be deposited into the General Revenue Fund.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $251 flat, of which $65 shall be deposited into the General Revenue Fund.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $324 flat, of which $84 shall be deposited into the General Revenue Fund.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat, of which $105 shall be deposited into the General Revenue Fund.

6. Gross vehicle weight of 44,000 pounds or more, but less

than 55,000 pounds: $772 flat, of which $200 shall be deposited into the General Revenue Fund.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $915 flat, of which $237 shall be deposited into the General Revenue Fund.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $1,080 flat, of which $280 shall be deposited into the General Revenue Fund.

9. Gross vehicle weight of 72,000 pounds or more: $1,322 flat, of which $343 shall be deposited into the General Revenue Fund.

(f) A hearse or ambulance: $40.50 flat, of which $10.50 shall be deposited into the General Revenue Fund.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund; plus $1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(b) Nine passengers and over: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund; plus $2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(7) TRAILERS FOR PRIVATE USE.—

(a) Any trailer weighing 500 pounds or less: $6.75 flat per year or any part thereof, of which $1.75 shall be deposited into the General Revenue Fund.

(b) Net weight over 500 pounds: $3.50 flat, of which $1 shall be deposited into the General Revenue Fund; plus $1 per cwt, of which 25 cents shall be deposited into the General

Revenue Fund.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: $3.50 flat, of which $1 shall be deposited into the General Revenue Fund; plus $1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(b) Net weight 2,000 pounds or more: $13.50 flat, of which $3.50 shall be deposited into the General Revenue Fund; plus $1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: $13.50 flat, of which $3.50 shall be deposited into the General Revenue Fund.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.—

(a) *Park trailers.*—Any park trailer, as defined in s. 320.01(1)(b)7.: $25 flat.

(b) *Travel trailers or fifth-wheel trailers.*—A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: $25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: $20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: $25 flat.

(c) A mobile home over 40 feet in length, but not exceeding 45 feet: $30 flat.

(d) A mobile home over 45 feet in length, but not exceeding 50 feet: $35 flat.

(e) A mobile home over 50 feet in length, but not exceeding 55 feet: $40 flat.

(f) A mobile home over 55 feet in length, but not exceeding 60 feet: $45 flat.

(g) A mobile home over 60 feet in length, but not exceeding 65 feet: $50 flat.

(h) A mobile home over 65 feet in length: $80 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine

boat trailer dealer, or mobile home dealer and manufacturer license plate: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: $4 flat, of which $1 shall be deposited into the General Revenue Fund, except that the registration or renewal of a registration of a marine boat trailer exempt under s. 320.102 is not subject to any license tax.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund; plus $2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: $101.25 flat, of which $26.25 shall be deposited into the General Revenue Fund.

Section 9. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(80)(a) ~~316.003(79)(a)~~ or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 10. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-18
Meeting Date

504
Bill Number (if applicable)

Topic Auto cycle

Amendment Barcode (if applicable)

Name James Harold Thompson

Job Title lobbyist

Address 123 S. Calhoun St. Phone 850-545-9556
Street

TLH FL 32301 Email JThompson@awsl-g.com
City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	CS/SB 632
INTRODUCER:	Transportation Committee and Senator Montford
SUBJECT:	Vessel Registration
DATE:	January 24, 2018 REVISED: 02/08/18

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	**Fav/CS**
2.	Wells	Hrdlicka	ATD	**Recommend: Favorable**
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 632 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to accept applications for vessel registration by electronic or telephonic means, issue electronic vessel registrations in addition to paper registrations, and collect email addresses and use email for providing vessel registration renewal notices in lieu of mailing the notices. The bill also allows a vessel operator to present the electronic certificate of vessel registration on an electronic device upon inspection of the vessel. The bill provides that presentation of the electronic certificate does not constitute consent for inspection of any other information on the device, and the person who presents the device assumes liability for any damage to the device.

The DHSMV may incur additional costs for initial implementation; however, the DHSMV may experience reduced mail costs in the future.

The bill takes effect October 1, 2018.

II. Present Situation:

The term "vessel" includes every description of watercraft, barge, or airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.[1] A vessel operated, used, or stored on the waters of this state must be registered with the DHSMV as

[1] Section 327.02(46), F.S.

a commercial[2] or recreational[3] vessel within 30 days after the purchase of the vessel, unless the vessel is:

- Operated, used, and stored exclusively on private lakes and ponds;
- Owned by the U.S. Government;
- Used exclusively as a ship's lifeboat; or
- Non-motor-powered and less than 16 feet in length or is a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.[4]

Vessel Registrations

A vessel registration must be available for inspection on the vessel for which it is issued whenever the vessel is in operation. State law requires the registration to be "pocket-sized."[5] It is a noncriminal infraction, punishable as a $50 civil citation, for a person operating a vessel required to be registered to be unable to present the vessel's certificate of registration upon inspection of the vessel by law enforcement.[6]

As of October 2017, there were 853,107 active vessel registrations in Florida.[7] The Fish and Wildlife Conservation Commission (FWC) conducted 174,947 vessel and resource inspections in 2016, but the number of inspections conducted by other law enforcement agency personnel is unknown.[8]

Federal Requirements

Federal law also requires a person who is operating a vessel that is required to be registered with the state to have a "certificate of number" (the certificate of vessel registration) for that vessel onboard the vessel.[9] Such certificate must be approximately 2.5 by 3.5 inches.[10] A person operating such vessel shall present the certificate to any federal, state, or local law enforcement officer for inspection in such a manner that it can be handed to the person upon request.[11]

Electronic Registrations

Currently, the DHSMV is authorized to accept motor vehicle registration applications by electronic or telephonic means, as well as collect email addresses and use email in lieu of the USPS for the purpose of providing renewal notices.[12] Similarly, s. 328.80, F.S., authorizes the FWC to accept vessel registration applications by electronic or telephonic means, however,

[2] Section 327.02(8), F.S., defines the term "commercial vessel."
[3] Section 327.02(40), F.S., defines the term "recreational vessel."
[4] Sections 328.48(2) and 328.46, F.S.
[5] Section 328.48(4), F.S.
[6] Section 327.73(1)(b), F.S.
[7] DHSMV, *2018 Agency Legislative Bill Analysis – SB 632 – Vessel Registration* (Dec. 5, 2017) (on file with the Senate Committee on Transportation).
[8] FWC, *2018 Agency Legislative Bill Analysis – HB 247 – Vessel Registration* (Nov. 14, 2017) (on file with the Senate Committee on Transportation).
[9] 33 C.F.R. s. 173.21.
[10] 33 C.F.R. s. 174.25.
[11] 33 C.F.R. ss. 173.23 and 173.25.
[12] Section 320.95, F.S.

DHSMV is the state department responsible for accepting such applications and issuing certificates of vessel registration.

III. Effect of Proposed Changes:

Section 1 amends s. 328.80, F.S., to authorize the DHSMV to accept vessel registration applications by electronic or telephonic means, issue electronic certificates of vessel registrations in addition to paper registrations, and collect email addresses and use email in lieu of mailing vessel registration renewal notices.

Section 2 amends s. 328.48, F.S., to allow a vessel operator to present the vessel's electronic certificate of registration on an electronic device in lieu of a paper certificate when the vessel is being inspected. The bill provides that such presentation does not constitute consent for inspection of any information on the device other than the displayed certificate, and the person who presents the device assumes liability for any resulting damage to the device.

According to the FWC, Florida is the first state to propose a statutory change to allow an electronic certificate of vessel registration; therefore, it is unclear how the bill would affect vessel inspections conducted by United States Coast Guard (USCG) personnel and audits by the USCG of state compliance with federal requirements.[13]

Section 3 provides that the bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill does not appear to have a fiscal impact on the private sector.

[13] FWC bill analysis, *supra* note 8.

C. Government Sector Impact:

The DHSMV may incur additional costs for initial implementation; however, the DHSMV may experience reduced mail costs in the future.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Email addresses collected by the DHSMV pursuant to the bill will not be exempt from inspection or copying under Florida's public records laws. Currently, s. 119.0712(2)(c), F.S., provides public records exemptions for email addresses collected by the DHSMV pursuant to ss. 319.40, 320.95(2), and 322.08(9), F.S.[14]

SB 1920 has been filed and if it becomes a law it will provide an exemption for electronic mail addresses of vessel registrants collected by the DHSMV.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 328.80 and 328.48.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on December 5, 2017:
The CS amends:

- Section 1 of the bill, providing that DHSMV may issue an electronic certificate of vessel registration *in addition to* printing a paper registration, instead of the electronic certificate being issued *in lieu of* a paper registration;
- Section 2, providing that the person who presents the device displaying the electronic certificate of vessel registration assumes the liability for any resulting damage to the device; and
- The effective date, which is changed from July 1, 2018, to October 1, 2018.

B. Amendments:

None.

[14] Such email addresses are collected by the DHSMV for issuing motor vehicle certificates of title, motor vehicle registration renewals, and for U.S. Veterans who provide their email address with the DHSMV for veteran outreach on federal, state, and local benefits and services available to veterans.

By the Committee on Transportation; and Senator Montford

596-01810-18 2018632c1

A bill to be entitled

An act relating to vessel registration; amending s. 328.80, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue an electronic certificate of registration for a vessel, to collect electronic mail addresses, and to use electronic mail for certain purposes; amending s. 328.48, F.S.; authorizing a vessel operator to present such electronic certificate for inspection under certain circumstances; providing construction; providing that the person displaying the device assumes the liability for any resulting damage to the device; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 328.80, Florida Statutes, is amended to read:

328.80 Transactions by electronic or telephonic means.—

(1) The Department of Highway Safety and Motor Vehicles may ~~commission is authorized to~~ accept any application provided for under this chapter by electronic or telephonic means.

(2) The Department of Highway Safety and Motor Vehicles may issue an electronic certificate of registration in addition to printing a paper registration.

(3) The Department of Highway Safety and Motor Vehicles may collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service for the purpose of providing renewal notices.

Section 2. Subsection (4) of section 328.48, Florida Statutes, is amended to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(4) Each certificate of registration issued shall state among other items the numbers awarded to the vessel, the hull identification number, the name and address of the owner, and a description of the vessel, except that certificates of registration for vessels constructed or assembled by the owner registered for the first time shall state all the foregoing information except the hull identification number. The numbers shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification, except, if the vessel is an airboat, the numbers may be placed on each side of the rudder. The numbers awarded to the vessel shall read from left to right and shall be in block characters of good proportion not less than 3 inches in height. The numbers shall be of a solid color which will contrast with the color of the background and shall be so maintained as to be clearly visible and legible; i.e., dark numbers on a light background or light numbers on a dark background. The certificate of registration shall be pocket-sized and shall be available for inspection on the vessel for which issued whenever such vessel is in operation. If the certificate of registration is not available for inspection on the vessel or is damaged or otherwise illegible, the operator may present for inspection an electronic device displaying an electronic certificate issued pursuant to s. 328.80. Such presentation does not constitute consent for inspection of any information on the device other

than the displayed certificate. The person who presents the device to the officer assumes the liability for any resulting damage to the device.

Section 3. This act shall take effect October 1, 2018.

The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Senate Committee on Subcommittee on Transportation, Tourism and Economic Development

Subject: Committee Agenda Request

Date: December 19, 2017

I respectfully request that SB 632 Vessel Registration be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Bill Montford

Senator Bill Montford
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	SB 752
INTRODUCER:	Senator Mayfield
SUBJECT:	Specialty License Plates/Childhood Cancer Awareness
DATE:	January 3, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	**Favorable**
2.	Wells	Hrdlicka	ATD	**Recommend: Favorable**
3.			AP	

I. Summary:

SB 752 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Childhood Cancer Awareness specialty license plate, establishes a $25 annual use fee for the plate, and provides for the distribution and use of fees collected from the sale of the plate.

The DHSMV estimates programming and implementation for a standard specialty license plate costs $7,680. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

The bill takes effect October 1, 2018.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.[1] Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from $15 to $25, paid in addition to required license taxes and service fees.[2] The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.[3]

[1] A list of Florida's specialty license plates is available on the DHSMV website at http://www.flhsmv.gov/dmv/specialtytags/ (last visited Nov. 3, 2017).
[2] Section 320.08056, F.S.
[3] Section 320.08058, F.S.

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, the DHSMV will discontinue the plate and issuance of pre-sale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.[4]

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.[5] Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.[6]

DHSMV Costs Defrayed

The DHSMV may retain a sufficient portion of annual use fees collected from the sale of specialty license plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds are distributed as provided by law.[7]

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.[8] In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.[9]

[4] Section 320.08053(2)(b), F.S.
[5] Section 320.08056(10)(a), F.S.
[6] Section 320.08062, F.S.
[7] Section 320.08056(7), F.S.
[8] Section 320.08056(8)(a), F.S.
[9] Section 320.08056(8)(b), F.S.

No Kid Should Know Cancer, Inc.[10]

According to corporate filings with the Department of State, No Kid Should Know Cancer, Inc., is a not-for-profit organization in Melbourne, Florida, which is organized to bring awareness to childhood cancer and help families who have been affected by childhood cancer financially and spiritually. Additionally, the organization sponsors, hosts, and participates in events that benefit clinical trials and improved treatment plans.

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a Childhood Cancer Awareness specialty license plate, with an annual fee of $25 to be distributed to No Kid Should Know Cancer, Inc. The organization may use up to 10 percent of the fees for administrative costs and marketing of the plate, and the remainder of the fees must be used by the organization to:

- Provide gift cards to families who have a child recently diagnosed with cancer to help with food, tolls, and gas;
- Hold events that raise awareness about childhood cancer; and
- Support clinical trials to provide better treatment plans for children diagnosed with cancer.

The plate must bear the colors and design approved by the DHSMV, with the word "Florida" at the top of the plate and the words "Cure Childhood Cancer" at the bottom of the plate.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[10] See Florida Department of State – Division of Corporations, *No Kid Should Know Cancer Inc., Articles of Incorporation* (Mar. 10, 2017), available at http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2017%5C0310%5C10507351.tif&documentNumber=N17000002637 (last visited Dec. 15, 2017).

B. Private Sector Impact:

Individuals who choose to purchase a Childhood Cancer Awareness specialty license plate will pay a $25 annual use fee in addition to appropriate license taxes and fees. No Kid Should Know Cancer, Inc., will receive revenue from each plate purchased.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of a standard specialty license plate costs $7,680.[11] The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.[12]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

[11] *See* DHSMV, *2018 Agency Legislative Bill Analysis: SB 468* (Nov. 9, 2017) (on file with the Senate Committee on Transportation).
[12] Section 320.08056(7), F.S.

By Senator Mayfield

17-00418A-18 2018752__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08056, F.S.; establishing an annual use fee for the Childhood Cancer Awareness license plate; amending s. 320.08058, F.S.; requiring the Department of Highway Safety and Motor Vehicles to develop a Childhood Cancer Awareness license plate; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (ffff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ffff) Childhood Cancer Awareness license plate, $25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) CHILDHOOD CANCER AWARENESS LICENSE PLATES.—

(a) The department shall develop a Childhood Cancer Awareness license plate as provided in this section and s. 320.08053. The Childhood Cancer Awareness license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Cure Childhood Cancer" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to No Kid Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code which may use up to 10 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., to:

1. Support families who have a child recently diagnosed with cancer, in the form of gift cards to help with food, tolls, and gas;

2. Hold events that raise awareness about childhood cancer; and

3. Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and, ultimately, a better prognosis.

Section 3. This act shall take effect October 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DEBBIE MAYFIELD
17th District

COMMITTEES:
Education, Vice Chair
Appropriations Subcommittee on the Environment and Natural Resources
Appropriations subcommittee on General Government
Banking and Insurance
Judiciary

JOINT COMMITTEES:
Joint Legislative Auditing Committee, Alternating Chair

December 6, 2017

The Honorable Wilton Simpson
Chair, TED Appropriations
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: SB 752

Dear Chair Simpson,

I am respectfully requesting Senate Bill 752, a bill relating to Specialty License Plates/Childhood Cancer Awareness, be placed on the agenda for the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill and I look forward to working with you and the Appropriations Subcommittee on Transportation, Tourism, and Economic Development If there are any questions or concerns, please do not hesitate to call my office at 850-487-5017

Thank you,

Debbie Mayfield

Senator Debbie Mayfield
District 17

Cc: Jennifer Hrdlicka, Tempie Sailors, Rachel Perrin Rogers

REPLY TO:
- ☐ 900 E. Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025
- ☐ 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
- ☐ 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: *www.flsenate.gov*

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By:	The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development
BILL:	PCS/SB 1012 (291154)
INTRODUCER:	Appropriations Subcommitte on Transportation, Tourism, and Economic Development; and Senators Passidomo and Young
SUBJECT:	Alligator Alley Toll Road
DATE:	February 8, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Favorable**
2.	McAuliffe	Hrdlicka	ATD	**Recommend: Fav/CS**
3.			AP	

I. Summary:

PCS/SB 1012 extends the statutory obligation of the Florida Department of Transportation (FDOT) to reimburse a county or another local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on I-75/Alligator Alley (the Alley), currently set to expire on June 30, 2018. The bill requires the FDOT to make such reimbursement by interlocal agreement through June 30, 2021.

The bill also provides that all law enforcement officers on official law enforcement business are exempt from paying tolls on toll facilities. The bill defines "official law enforcement business."

The fiscal impact regarding the reimbursement by the FDOT for the costs of operating the fire station is indeterminate, but any FDOT expenditures will be based on an agreed-upon estimated schedule of such operational expenses incorporated into the required extended interlocal agreement.

The Revenue Estimating Conference reviewed the effect of a similar exemption from tolls for law enforcement vehicles (marked and unmarked vehicles) and estimated that the fiscal impact of the provision would be negative, but indeterminate, to the State Transportation Trust Fund, Turnpike trust funds, and local trust funds. State and local agencies with law enforcement traveling through toll facilities will have less expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Fire Station 63 on I-75/Alligator Alley

Collier County provides fire, rescue, and emergency management services along the Alley through its dependent fire district, the Ochopee Fire Control and Rescue District, and the county's emergency medical services. These services are provided at a facility located at the FDOT's rest area on the Alley at mile marker 63 (MM63).[1]

Use of Alley Tolls to Fund Fire Station 63

Section 338.26, F.S., establishes the Alley as a toll road, because the construction of the road "contributed to the alteration of water flows in the Everglades and affected ecological patterns of the historical southern Everglades." The statute sets forth required uses of the fees generated from tolls for use of the Alley, which are deposited into the State Transportation Trust Fund. Fees must be used to reimburse outstanding contractual obligations and to operate and maintain the highway and toll facilities, including reconstruction and restoration.

Currently, related to the fire station on the Alley, the statute requires the fees to be used:

- To design and construct the fire station, which may be used by a county or other local governmental entity to provide the services to the public on the Alley; and
- To reimburse a county or other local governmental entity for the direct actual costs of operating the fire station, through an interlocal agreement effective July 1, 2014, to no later than June 30, 2018.[2]

Fees may also be transferred to the Everglades Trust Fund for certain environmental projects or may be pledged for revenue bonds or notes issued to pay for environmental projects in the area.

Upon termination of the interlocal agreement for the fire station, the FDOT would be authorized to use the fees for the other required or authorized uses described above.

Toll Revenues and Expenses

According to the FDOT's 2016 Annual Report for its Enterprise Toll Operations,[3] for Fiscal Year 2016-17 through 2020-21 the Alligator Alley will average $34.5 million in gross toll revenue each year with annual operating and maintenance expenses averaging $8.9 million and annual debt service payments averaging $3.45 million. The maintenance expenses include funding for rest area improvements, fire station operations, and interchange lighting projects.

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[1] National Park Service, *Big Cypress: I-75, Mile Marker 63*, available at https://www.nps.gov/bicy/planyourvisit/i-75-mm-63.htm (last visited February 2, 2018). Greater Naples Fire Rescue District, *Station 63*, available at https://www.greaternaplesfire.org/gnfrd-location/station-63/ (last visited February 2, 2018).

[2] Chapter 2014-223, Laws of Florida.

[3] The 2016 report is the latest posted to the FDOT's Turnpike Enterprise webpage and is available at http://www.floridasturnpike.com/documents/reports/Toll%20Operations%20Annual%20Report/2016/2016%20OTO_Department%20Owned.pdf (last visited February 2, 2018.)

The Interlocal Agreement for Fire Station 63

On May 9, 2014, the FDOT and the Board of Commissioners of Collier County entered into an interlocal agreement to provide the terms and conditions under which the FDOT would "provide funding to the County for the County's expenses in purchasing equipment, compensating County employees, and otherwise providing fire, rescue and emergency services utilizing the Fire Station."[4]

The FDOT included the fire station in its construction project when it rebuilt the rest area at MM63 and the fire station opened in early 2015.[5] The fire station was built "for the exclusive use of the County for the duration of this Agreement."[6] The FDOT owns the fire station and leases it to the County.[7] However, under the agreement, "all equipment, personal property, vehicles, apparatus and supplies acquired by County with funding provided by DEPARTMENT…shall remain the property of County, notwithstanding any termination of this Agreement."[8]

Funding in the Interlocal Agreement

For the term of the agreement, the FDOT agreed to provide a maximum of $1,761,235 for direct actual capital costs and a maximum of $1,498,100 for the county's direct actual costs of operating the fire station.[9] The county agreed to bear all expenses in excess of the FDOT's specified participation.[10] The agreed-upon funding includes various annual operating items such as hired paramedics and fire fighters; expenses for administrative and building maintenance; expenses for bulk fuel and various types of search and rescue equipment. Capital costs include items such as vehicles, radios, vehicles, and breathing air compressors.[11]

Information regarding the FDOT's Adopted Five-Year Work Program for 2014-2018 reflects the following funding for the MM63 fire station:[12]

Fiscal Year	Amount
2014	$1,761,235
2015	$1,498,100
2016	$1,522,070
2017	$1,522,070
2018	$1,498,100

[4] Department-Collier County Interlocal Agreement, CSFA No. 55.036, May 9, 2014, at pp. 2-3.
[5] Department-Collier County Interlocal Agreement at p. 2 and 3. Marco Eagle, *New fire/EMS station opens on Alligator Alley*, April 5, 2015, available at http://www.marconews.com/story/news/2015/04/03/new-fully-staffed-fireems-station-opens-alligator-alley/25238329/ (last visited February 2, 2018).
[6] Department-Collier County Interlocal Agreement at p. 3. The agreement provides that state or local law enforcement may station officers, agents, or response teams at the fire station, based on space and availability.
[7] Department-Collier County Interlocal Agreement at p. 12.
[8] Department-Collier County Interlocal Agreement at p. 13.
[9] The Agreement also authorizes the County to request a Consumer Price Index adjustment of the total operating amount 30 days prior to July 1 for each year after the first covered by the Agreement. Department-Collier County Interlocal Agreement at p. 10.
[10] Department-Collier County Interlocal Agreement at p. 11.
[11] Department-Collier County Interlocal Agreement at Exhibit B.
[12] FDOT, Web Application, Office of Work Program and Bduget, *Five Year Work Program – Project Summary for Transportation System: Intrastate Interstate, Description: Alligator Alley Fire Station @ MM63*, updated January 10, 2018,

Toll Exemptions

Section 338.155, F.S., requires the payment of tolls on toll facilities. However, the DOT may suspend tolls when necessary to assist in an emergency evacuation and the law provides the following exemptions:

- Employees of the agency operating the toll facility on official state business.
- State military personnel while on official military business.
- Certain disabled persons.
- Persons exempt from toll payment by the authorizing resolution for bonds issued to finance the toll facility.
- Persons exempt on a temporary basis when a toll facility is part of a detour route.
- Any law enforcement officer operating a marked official vehicle when on official law enforcement business.
- Any person operating a fire or rescue vehicle when on official business.
- Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty.
- Any person driving a Department of Military Affairs automobile or other vehicle used for transporting military personnel, stores, and property that is properly identified.

For toll facilities managed by the DOT, the revenues of which are not pledged to repayment of bonds, the DOT is authorized to allow certain vehicles exemptions from the payment of tolls:[13]

- Public transit vehicles.[14]
- Vehicles participating in a funeral procession for an active-duty military service member.[15]
- Registered hybrid vehicles using high-occupancy-vehicle or express lanes.[16]

Toll Exemptions for Law Enforcement Marked Vehicles

According to the DOT, law enforcement agencies with marked vehicles submit a "SunPass Non-Revenue Account Application," in which the agency lists each marked vehicle that will have a non-revenue SunPass transponder along with certain identifying information regarding each vehicle. The agency representative attests that the vehicles listed on the application qualify for the toll exemption for marked law enforcement vehicles.[17]

available at http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=HIS&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM and http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=WP&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM (last visited February 2, 2018.)

[13] See Rules 14-100.006 and 14-100.004, F.A.C. Respectively the rules exempt public transit vehicles, certain carpools, motorcycles, and hybrid vehicles registered and operating on I-95 in Miami-Dade, Broward and Palm Beach Counties; and for public transit vehicles operating on express lanes.

[14] Section 338.155, F.S.

[15] Section 338.155, F.S.

[16] Section 316.0741, F.S.

[17] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

Turnpike Bonds

Section 338.227, F.S., authorizes the DOT to borrow money as provided in the State Bond Act[18] to pay all or any part of the cost of any one or more legislatively approved turnpike projects. The principal of, and the interest on, these bonds is paid solely from revenues pledged for their payment.

In s. 338.229, F.S., in connection with the issuance of Turnpike bonds, the state agrees not to limit or restrict the rights vested in the DOT to establish and collect tolls for the use of the Turnpike System and to fulfill the terms of any agreements made with bondholders. The agreement includes not imparing the rights or remedies of the bondholders until the bonds, together with interest on the bonds, are fully paid and discharged.[19]

The DOT provided information about the Turnpike's master bond resolution under which the current Turnpike bonds were issued. The resolution contains the DOT's commitments regarding the funding and operation of the Turnpike System. The resolution is a contract with the bondholders and "may not be amended in any way that affects 'the unconditional promises of the Department to fix, maintain and collect tolls for the use of the Turnpike System' without consent of all the holders of outstanding Turnpike bonds."[20]

Additionally, the DOT states that the resolution includes a section in which the DOT agreed that it "shall not allow or permit any free use of the Toll roads of the Florida Turnpike, except to officials or employees of the Department whose official duties in connection with the Florida Turnpike require them to travel over the Florida Turnpike, or except as may be provided by laws in effect on the date of the adoption of this Resolution."[21]

Toll Exemptions Under the Turnpike Bonds

The Turnpike bond resolution was adopted and restated on May 17, 2005. At that time, state law authorized the DOT to suspend tolls in the event of emergencies and included the enumerated exemptions discussed above in s. 338.155, F.S.[22]

Such provisions were also in place when bonds were sold for Alligator Alley in 2007.[23]

In 2008 and 2012, when additional toll exemptions were created they were limited to DOT managed toll facilities, whose revenues were not pledged to repayment of bonds. As discussed above, the DOT is authorized to exempt public transit vehicles, vehicles participating in a funeral procession for an active-duty military service member, and hybrid vehicles from paying tolls.

[18] Sections 215.57 – 215.83, F.S. Statutes creating the state's expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.
[19] Statutes creating the state's expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.
[20] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[21] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[22] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[23] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

Because the revenues of the Turnpike System are pledged to repayment of bonds, these provisions do not apply to the Turnpike System or Alligator Alley.[24]

III. Effect of Proposed Changes:

Fire Station 63 on I-75/Alligator Alley

The bill amends s. 338.26(3)(a), F.S., to extend the date through which the FDOT is statutorily obligated to reimburse Collier County for the direct actual costs of operating the MM63 fire station to no later than June 30, 2021.

Toll Exemptions

The bill amends s. 338.155(1), F.S., exempting law enforcement officers while on official law enforcement business from paying tolls. "Official law enforcement business" includes, but is not limited to, patrol operations, investigative activities, crime prevention activities, or traffic operations. The bill also changes references to "handicapped persons" to "disabled persons" and makes other technical changes.

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Section 10, Art. I of the State Constitution prohibits any law that would impair a contract. If a court determines that this bill impairs the master bond resolution of the Turnpike or Alligator Alley by exempting for law enforcement officers while on official law enforcement business from the payment of tolls, then such provisions of the bill may be found unconstitutional.

[24] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fire Station 63 on I-75/Alligator Alley

The bill requires the FDOT to continue funding the County's direct actual costs of operating the MM63 fire station from the fees generated from tolls collected on the Alley through July 1, 2021. Under current law, the FDOT is authorized to use the fees for the other required or authorized uses described in the statute. The impact on toll bonds or other agreements is unknown at this time because the FDOT has not provided an analysis of the bill.

Collier County will receive funding for an additional three years for actual operating and capital costs related to the fire station, and thus will only have to expend county funds for expenses above the costs agreed to in the interlocal agreement. The exact amount of such funding is unknown but will likely be based on an agreed-upon estimated schedule of expenses incorporated into a new interlocal agreement or extension of the current interlocal agreement.

Toll Exemptions

On November 3, 2017, the Revenue Estimating Conference reviewed the effect of a similar exemption from tolls for law enforcement vehicles (marked and unmarked vehicles) and estimated that the fiscal impact of the provision would be negative, but indeterminate, to the State Transportation Trust Fund, Turnpike trust funds, and local trust funds.[25]

The Florida Department of Law Enforcement estimated that a similar bill could save the department about $80,000 annually in toll expenditures.[26] The Department of Highway Safety and Motor Vehicles estimated that a similar bill would have a minimal impact to the department.[27] Local law enforcement and other law enforcement agencies will likely experience similar reduced annual expenditures for tolls.

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[25] Office of Economic and Demographic Research, Revenue Estimating Conference, *Law Enforcement Exemption, HB 141*, November 3, 2017, available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page82.pdf (last visited Feb. 8, 2018). The conference methodology assumed that "[c]hanging the toll exemption from 'handicapped person' to 'person with a disability' will have no effect on eligibility."

[26] Florida Department of Law Enforcement, *2018 FDLE Legislative Bill Analysis: SB 356*, Sept. 28, 2017.

[27] Department of Highway Safety and Motor Vehicles, *2018 Agency Legislative Bill Analysis: HB 141*, Nov. 17, 2017.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOT has stated that any risk of violating bondholder rights associated with the statutory change to the toll exemptions could be avoided by limiting the exemption to toll facilities managed by the DOT, the revenues of which are not pledged to the repayment of bonds.[28]

VIII. Statutes Affected:

This bill amends sections 338.26 and 338.155 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 8, 2018:
The committee substitute exempts law enforcement officers on official law enforcement business from paying tolls on toll facilities. The CS defines "official law enforcement business," and changes references to "handicapped persons" in the toll exemption statute to "disabled persons," along with other technical changes.

The bill also restores current law which limits the I-75/Alligator Alley fire station's services to Alligator Alley.

B. Amendments:

None.

[28] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

386920

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Between lines 14 and 15
insert:

Section 1. Subsections (1) and (3) of section 338.155, Florida Statutes, are amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—


386920

(1)(a) A person may not use a ~~any~~ toll facility without payment of tolls, except:

1. An employee ~~Employees~~ of the agency operating the toll project when using the toll facility on official state business.~~,~~

2. State military personnel while on official military business.~~,~~

3. A person with a disability ~~Handicapped persons~~ as provided in subsection (3). ~~this section,~~

4. A person ~~Persons~~ exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.~~, and~~

5. A person ~~Persons~~ exempt on a temporary basis where use of such toll facility is required as a detour route.

6. A ~~Any~~ law enforcement officer while ~~operating a marked official vehicle is exempt from toll payment when~~ on official law enforcement business. For purposes of this subparagraph, the term "official law enforcement business" includes, but is not limited to, patrol operations, investigative activities, crime prevention operations, and traffic operations.

7. A ~~Any~~ person operating a fire vehicle while ~~when~~ on official business or a rescue vehicle while ~~when~~ on official business ~~is exempt from toll payment~~.

8. A ~~Any~~ person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty ~~is exempt from toll payment~~.

(b) The secretary or the secretary's designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation.


386920

(c) The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18. The department may adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.

(d) With respect to toll facilities managed by the department~~,~~ the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.

(3) A ~~Any handicapped~~ person with a disability who has a valid driver license, who operates a vehicle specially equipped for use by persons with disabilities ~~the handicapped~~, and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that ~~which~~ substantially impair the person's ability to deposit coins in toll baskets~~,~~ shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state. Such ~~A~~ person ~~who meets the requirements of this subsection~~ shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

========== T I T L E A M E N D M E N T ==========

386920

And the title is amended as follows:

Delete line 2

and insert:

An act relating to tolls; amending s. 338.155, F.S.; updating terms; exempting a law enforcement officer from paying a toll on a toll facility while on official law enforcement business; defining the term "official law enforcement business"; making technical changes;

321764

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete line 33
and insert:
emergency management services to the public on Alligator Alley~~;~~

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:
Delete line 10
and insert:

321764

emergency management services to the public on Alligator Alley; deleting

By Senator Passidomo

28-01580A-18 20181012__

A bill to be entitled

An act relating to the Alligator Alley toll road; amending s. 338.26, F.S.; requiring fees generated from tolls to be used to reimburse, by interlocal agreement effective for a specified period of time, a county or another local governmental entity for the direct actual costs of operating a specified fire station, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public; deleting obsolete language; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

(3)(a) Fees generated from tolls shall be deposited in the State Transportation Trust Fund and shall be used:

1. To reimburse outstanding contractual obligations;

2. To operate and maintain the highway and toll facilities, including reconstruction and restoration;

3. To pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994; and

4. By interlocal agreement effective July 1, 2014, through no later than June 30, 2021, to reimburse a county or another local governmental entity for the direct actual costs of

28-01580A-18 20181012__

operating the ~~To design and construct a~~ fire station at mile marker 63 on Alligator Alley, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public ~~on Alligator Alley; and~~

~~5. By interlocal agreement effective July 1, 2014, through no later than June 30, 2018, to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station~~.

Section 2. This act shall take effect July 1, 2018.

The Florida Senate

Committee Agenda Request

To: Senate Majority Leader Wilton Simpson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: January 18, 2018

I respectfully request that **Senate Bill #1012**, relating to Alligator Alley Toll Road, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Kathleen Passidomo
Florida Senate, District 28

File signed original with committee office

S-020 (03/2004)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-18
Meeting Date

1012
Bill Number (if applicable)

386920
Amendment Barcode (if applicable)

Topic Exempting law enforcement officer paying toll

Name GARY BRADFORD

Job Title Government Relations

Address 300 E. Brevard St
Street

Tallahassee FL 33201
City *State* *Zip*

Phone 800-733-3722

Email GaryC@FLPBA.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing FLORIDA Police Benevolent Assc. (PBA)

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-5-18
Meeting Date

SB 1012
Bill Number (if applicable)

Topic Alligator Alley Toll Road

Amendment Barcode (if applicable)

Name Kiryman Schuldt

Job Title Fire Chief

Address 14575 Collier Blvd
Street

Phone 239 348 7540

Naples FL 34119
City *State* *Zip*

Email KSchuldt@gnfr.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Greater Naples Fire Rescue District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.8.18
Meeting Date

SB 1012
Bill Number (if applicable)

Topic Alligator Alley Toll Road

Amendment Barcode (if applicable)

Name Tabatha Butcher

Job Title Chief - Collier County EMS

Address 8075 Lely Cultural Pkwy
Street

Phone 239-289-9353

Naples FL 34113
City *State* *Zip*

Email tabathabutcher@colliergov.net

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Collier County

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	PCS/CS/SB 1244 (113064)
INTRODUCER:	Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Community Affairs Committee, and Senator Lee
SUBJECT:	Growth Management
DATE:	February 8, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1244 amends provisions related to existing development of regional impact (DRI) development orders. The DRI program ended in 2015, but existing development orders continue to exist. The bill repeals provisions related to the state land planning agency's (Department of Economic Opportunity) role in the process and shifts the remaining responsibilities to local governments. Specifically, the bill:

- Repeals obsolete language for the application and review of DRIs;
- Changes the process for existing DRIs to amend a development order;
- Retains current statewide guidelines and standards for determining when a development is subject to state coordinated review;
- Updates reporting requirements;
- Preserves certain unexpired letters, development orders, and agreements;
- Ends all DRI appeals to the Administration Commission except decisions by local governments under the DRI abandonment process;
- Repeals state land planning agency rules related to DRIs and Administration Commission rules related to aggregation of developments for the purpose of DRI review; and
- Repeals the Florida Quality Developments (FQD) program and requires FQD development orders to be replaced by local government development orders.

The bill adds a requirement for an independent special district to commence a municipal conversion – that the independent special district has a minimum population, depending on the population of the county in which the district is located.

The Department of Economic Opportunity will incur less expenses related to the DRI process.

The bill is effective upon becoming law.

II. Present Situation:

Development of Regional Impact

A development of regional impact (DRI) is defined in s. 380.06, F.S., as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The DRI program provided a lengthy and complicated review process for proposed projects that was largely duplicated by the successor comprehensive planning review process.

Comprehensive planning was first required by law in 1975. However, the Growth Management Act of 1985 is considered the watershed law that brought truly modern planning requirements into force. In recognition of this fact, the Environmental Land Management Study Committee in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) that is required to be included in local comprehensive plans.[1] After much controversy, this recommendation was not implemented, and the DRI program continued in its previous form.

In 2015, the Florida Legislature eliminated the requirement that new developments be reviewed pursuant to the DRI process. Instead, the Legislature directed that proposed developments only need to comply with the requirements of the State Coordinated Review Process for the review of local government comprehensive plan amendments.[2]

DRI Review

Before the program ended, all developments that met the DRI thresholds and standards provided by statute[3] and rules adopted by the Administration Commission[4] were required to undergo DRI review, unless the Legislature provided an exemption for that particular type of project or for the planning area in which the development was located (such as a sector plan or a rural land stewardship area) or unless the development was located within a "dense urban land area."[5] The types of developments required to undergo DRI review upon meeting the specified thresholds

[1] *See* Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.
[2] Section 380.06(30), F.S. Chapter 2015-30, L.O.F.
[3] Section 380.0651, F.S.
[4] Chapter 28-24, F.A.C.
[5] The criteria for qualification as a dense urban land area are contained in s. 380.06(29), F.S. Currently, eight counties and 243 cities qualify as dense urban land areas that are exempt from the DRI program.

and standards included attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, and recreational vehicle developments.[6] Over the years, the Legislature enacted many exemptions and increased the thresholds that projects must have surpassed in order to trigger DRI review.

Florida's 11 regional planning councils (RPC) coordinated the multi-agency review of proposed DRIs. A DRI review began by a developer contacting the RPC with jurisdiction over a proposed development to arrange a pre-application conference.[7] The developer or the RPC could request other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of information that each agency would require in the application to assess those issues. At the pre-application conference, the RPC provided the developer with information about the DRI process and coordinated the identification of issues and the appropriate state and local agency requirements.

Upon completion of the pre-application conference with all parties, the developer filed an application for development approval with the local government, the RPC, and the state land planning agency (the Department of Economic Opportunity). The RPC reviewed the application for sufficiency and could request additional information (no more than twice, unless waived by the developer) if the application was deemed insufficient.[8]

When the RPC determined that the application was sufficient or the developer declined to provide additional information, the local government had to hold a public hearing on the application for development within 90 days.[9] Within 50 days after receiving notice of the public hearing, the RPC was required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.[10] The RPC was required to identify regional issues specifically examining the extent to which:

- The development would have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
- The development would significantly impact adjacent jurisdictions; and
- While reviewing the first two issues, the development would favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.[11]

If the proposed project would have impacts within the purview of other state agencies, those agencies would also prepare reports and recommendations on the issues raised by the project and within their statutorily-prescribed jurisdictions. These reports became part of the RPC's report, but the RPC could attach dissenting views.[12] When water management district (WMD) and Department of Environmental Protection (DEP) permits had been issued pursuant to ch. 373, F.S., or ch. 403, F.S., the RPC could comment on the regional implications of the permits but

[6] Section 380.0651, F.S.
[7] Section 380.06(7), F.S.
[8] Section 380.06(10), F.S.
[9] Section 380.06(11), F.S.
[10] Section 380.06(12), F.S.
[11] Section 380.06(12)(a), F.S.
[12] Section 380.06(12)(c), F.S.

could not offer conflicting recommendations.[13] Finally, the state land planning agency also reviewed DRIs for compliance with state laws, to identify regional and state impacts, and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.[14]

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI had to be heard as well. When considering whether the development must be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considered the extent to which:

- The development was consistent with the local government's comprehensive plan and land development regulations;
- The development was consistent with the report and recommendations of the RPC; and
- The development was consistent with the state comprehensive plan.[15]

Within 30 days of the public hearing on the application for development approval, the local government had to decide whether to issue a development order or not.[16] Within 45 days after a development order was or was not rendered, the owner or developer of the property or the state land planning agency could appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[17] An "aggrieved or adversely affected party" could appeal and challenge the consistency of a development order with the local comprehensive plan.[18]

Completion of this entire process could take one to two years and require the expenditure of significant resources, both on the part of private developers and state agencies.

Substantial Deviation[19]

After a development order was issued, any proposed change to a previously approved DRI development order that created a reasonable likelihood of additional regional impact or any type of regional impact created by the change not previously reviewed by the regional planning agency, constituted a "substantial deviation" and required such proposed change to be subject to further DRI review. The process to amend DRIs still applies to existing DRIs that received local government development orders prior to July 1, 2015, and that have not been abandoned or rescinded.[20] The statute sets forth criteria and situations to determine whether a proposed change requires further DRI review, including:

- Certain threshold criteria beyond which a change constitutes a substantial deviation;
- Certain changes in development that do not amount to a substantial deviation;
- Scenarios in which a substantial deviation is presumed; and
- Scenarios in which a change is presumed not to create a substantial deviation.

[13] *Id*.
[14] *See* Senate Interim Report 2012-114. *The Development of Regional Impact Process*. Sept. 2011.
[15] Section 380.06(13) and (14), F.S. DRIs located in areas of critical state concern must also comply with the land development regulations in s. 380.05, F.S.
[16] Section 380.06(15), F.S.
[17] Section 380.07(2), F.S.
[18] Section 163.3215, F.S.
[19] Section 380.06(19), F.S.
[20] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

The DEO (state land planning agency) has adopted rules setting standard forms for submittal of proposed changes to a previously approved DRI development order. At a minimum, the form requires the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order. The developer must submit the form to the local government, the regional planning agency, and the DEO.

After the developer submits the form, the appropriate regional planning agency or the DEO reviews the proposed change. No later than 45 days after submittal of the form, the DEO advises the local government in writing whether the DEO objects to the proposed change, specifying the reasons for the objection if applicable, and provids a copy to the developer.

The local government schedules a public hearing with 15 days' notice to consider the change. This public hearing is held within 60 days after submittal of the proposed change, unless the developer requests to extend the time.

At the public hearing, the local government determines whether the proposed change requires further DRI review based on the thresholds and standards set out in law. The local government can deny the proposed change based on matters relating to local issues.

If the local government determines that the proposed change does not require further DRI review and is otherwise approved, the local government issues an amendment to the development order incorporating the approved change and conditions of approval relating to the change. If, however, the local government determines that proposed change requires further DRI review, the local government determines whether to approve, approve with conditions, or deny the proposed change as it related to the entire development.

DRI Exemptions

Over the years, the DRI program was amended to include a number of exemptions. The following list of exemptions is not exhaustive, but illustrates the number and variety of the exemptions from the DRI program that were enacted:[21]

- Certain projects that created at least 100 jobs that met certain qualifications – 1997;
- Certain expansions to port harbors, certain port transportation facilities, and certain intermodal transportation facilities – 1999;
- The thresholds used to identify projects subject to the program were increased by 150 percent for development in areas designated as rural areas of critical economic concern (now known as rural areas of opportunity) – 2001;
- Certain proposed facilities for the storage of any petroleum product or certain expansions of existing petroleum product storage facilities – 2002;
- Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use – 2002;
- Certain water port or marina developments – 2002; and
- The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S. – 2005.

[21] Section 360.06(24), F.S.

In 2009, the Legislature enacted the most significant exemption from the DRI program: the exemption for Dense Urban Land Areas (DULAs).[22] In 2015, 8 counties and 243 cities qualified as DULAs. This meant that all projects within those counties and cities were exempted from the DRI program. The areas qualifying as DULAs accounted for more than half of Florida's population.[23]

Comprehensive Plans and the Comprehensive Plan Amendment Process

The Growth Management Act of 1985 required every city and county to create and implement a comprehensive plan to guide future development.[24] A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.[25] The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies, including the Department of Economic Opportunity (DEO) (as the state land planning agency), the relevant RPC, and adjacent local governments that request to participate in the review process.[26]

The state and regional agencies review the proposed amendment for impacts related to their statutory purviews. The RPC reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.[27] The DEO compiles reports from the various involved agencies and issues an Objections, Recommendation, and Comments Report, which consolidates the reports received.[28] Upon receipt of the consolidated report, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the DEO for final review.[29] The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.[30]

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[22] Chapter 2009-96, L.O.F.
[23] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Community Planning Table of Contents: List of Local Governments Qualifying as Dense Urban Land Areas*. (June 11, 2015). Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/list-of-local-governments-qualifying-as-dense-urban-land-areas (last visited February 3, 2018).
[24] Chapter 1985-55, L.O.F.
[25] Section 163.3174(4)(a), F.S.
[26] Section 163.3184, F.S.
[27] Section 163.3184(3)(b)3.a., F.S.
[28] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes*. Available at http://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes (last visited February 3, 2018).
[29] Section 163.3184(3)(c)4. and (4)(e)4., F.S.
[30] *Id.*

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments.[31] Most plan amendments were placed into the Expedited State Review Process, while plan amendments related to large-scale developments were placed into the State Coordinated Review Process. The two processes operate in much the same way, however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.

Florida Quality Developments

Florida Quality Developments (FQDs) are DRI-sized projects that receive a Florida Quality Development designation if they meet certain statutory criteria.[32] The criteria is designed to enhance the a development, by, as example, protecting and preserving environmentally sensitive lands including wildlife habitat and wetlands; participating in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area; providing for construction and maintenance of all onsite infrastructure necessary to support the project; or including open space, recreation areas, Florida-friendly landscaping, and energy conservation.[33] An application for a FQD is handled in much the same way as an application for a DRI was processed prior to the 2015 statutory change. The DRI impact application form is used and an additional section is added to consider the FQD-specific requirements. The "DEO and the appropriate local government determine if a development has met the Florida Quality Development requirements. A finding of no designation may be appealed. Unlike developments of regional impact, development orders for Florida Quality Developments are issued by DEO, not by the local government."[34] According to the DEO, there are 18 developments designated as FQDs, the last of which was designated on June 9, 1999, and the last FQD development order was requested and issued in 2002.[35]

III. Effect of Proposed Changes:

Independent Special Districts

Under current law, the electors of an independent special district can petition the governing body of the district to commence a municipal conversion if the independent special district meets all of the following criteria:

- It was created by special act of the Legislature.

[31] Chapter 2011-14, L.O.F. *See* s. 163.3184(3) and (4), F.S.
[32] Section 380.061, F.S. *See also* Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[33] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[34] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *General Information About Developments of Regional Impact and Florida Quality Developments*. Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/general-information (last visited February 3, 2018).
[35] *Id*. Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

- It is designated as an improvement district, created pursuant to chapter 298, F.S., or is designated as a stewardship district, created pursuant to s. 189.031, F.S.
- Its governing board is elected and agrees to the conversion.
- It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities.
- No portion of the district is located within the jurisdictional limits of a municipality.

Section 1 amends s. 165.0615, F.S., to add a criterion requiring the independent special district to have a minimum population. If the independent special district is in a county that has a population of less than 75,000 people, then population of the independent special district must be a minimum of 1,500 people. If the county has more than 75,000 people, then the independent special district must have a minimum population of 5,000 people.

DRIs and FQD Development Orders

The bill repeals the current DRI and FQD development order provisions and shifts the remaining responsibilities of reviewing amendments to DRIs and FQD development orders from the RPCs and the DEO to the local governments.

Section 2 amends s. 380.06, F.S., to repeal the DRI process. The bill retains statewide guidelines and standards and exemptions for DRIs in effective as of the effective date of the bill for local governments to use them to determine whether a development is subject to the review process. These guidelines will remain in effect unless repealed by statute.[36]

This section also:
- Repeals provisions that are obsolete with the repeal of the DRI program by this bill.
- Maintains the thresholds that determine whether a development will be subject to review.
- Preserves the following letters and agreements that are unexpired as of the effective date of the bill: binding letters, "essentially built out" agreements, "capital contribution front loading agreements" between a developer and local government, any agreements between a local government and a developer to reimburse the developer for voluntary contributions paid in excess of his or her fair share, agreements related to projects that include more than one DRI, and area-wide DRI development orders.
- Authorizes local governments to amend a binding letter of vested rights pursuant to the local government's comprehensive plan and land development regulations upon request of the developer.
- Prohibits a local government from changing to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment, unless the local government can demonstrate certain information.
- Specifies that selection of a contractor or design professional by the developer for work related to the construction or expansion of a public facility that is undertaken as a condition of the development order, is not subject to competitive bidding or negotiation.

[36] Effectively the guidelines and standards will not be amended in the future because the bill repeals provisions directing the Administration Commission to adopt the guidelines and standards.

- Limits a local government from changing any credit for a development order exaction or fee granted to the developer when an amendment to the development order is adopted, when the credit against impact fees, mobility fees, or exactions are based upon the developer's contribution of land or a public facility.
- Adds mobility fees to the types of fees a developer can petition a local government to give the developer a credit against for any contribution when such fees are imposes or increased after a development order is issued.
- Requires a developer to follow any reporting requirements set by the local government with jurisdiction over the development and permits the local government to set penalties for failure to file required reports.[37]
- Requires any proposed change to a previously approved DRI to be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations, including but not limited to procedures for notice to the applicant and the public regarding issuance of development orders.[38] As under current law, a local government may approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved. There must be at least one public hearing on the proposed change to the development order, and the local governing body must approve any change before it becomes effective. Development within a portion of the DRI that is not directly affected by a proposed change can continue during the review of the proposed change, and review is limited to impacts created by the proposed change. Changes to extend a phase date, buildout date, expiration date, or termination date may also extend any required mitigation (which is consistent with current law). These provisions do not alter or limit any extension previously granted by statute.
- Provides that abandonment of a DRI development order shall be deemed to have occurred when the required notice of abandonment is filed with the county clerk. Local governments must issue an abandonment order if requested by a developer if all development that exists at the time of abandonment has been mitigated or will be mitigated pursuant to an existing permit enforceable through an administrative or judicial proceeding.
- Requires proposed developments that exceed the statewide guidelines and standards and are not otherwise exempt to be approved by a local government following the statewide coordinated review process in s. 163.3184(4), F.S.

Section 3 amends s. 380.061, F.S., to repeal the FQD program. FQD development orders in place prior to the effective date of the bill must be replaced by local government development orders, which will be subject to the DRI provisions discussed above in **Section 2**.

Section 4 amends s. 380.0651, F.S., to maintain the guidelines and standards formerly used for developments required to undergo DRI review. The guidelines and standards are retained to determine whether developments are subject to the DRI provisions discussed above in **Section 2**.

[37] Current law requires a biennial report submitted by the developer in alternate years as specified by the development order and sets a penalty of a temporary suspension of the development order as the penalty for failing to report. s. 380.06(18), F.S.
[38] This new provision for review of a change is applicable over any provision to the contrary in an existing development order, agreement, local comprehensive plan, or local land development regulation. The bill also changes the term "substantial deviation" to "changes."

Additionally, the statutory exemptions, partial statutory exemptions, and exemptions for DULAs from the DRI program are transferred from current s. 380.06, F.S., to s. 380.0651, F.S., so that the exemptions continue apply.[39]

Section 5 amends s. 380.07, F.S., to remove DRIs from the Florida Land and Water Adjudicatory Commission's (the Administration Commission) rulemaking authority and repeal related provisions. Under the bill, the state land planning agency may only challenge a local order *abandoning* a DRI; and appeals of development orders based upon consistency of the order with local comprehensive plans may only be made for development orders in areas of critical state concern.

Section 6 amends s. 380.115, F.S., to allow a development that has received a DRI development order but is no longer required to undergo DRI review to elect to rescind the development order pursuant to certain procedures. The local government issuing the development order must monitor the development and enforce the development order. The local government may not issue any permits or approvals or provide any service if the developer fails to act in substantial compliance with the development order.

Section 8 amends s. 163.3245, F.S., to continue to require a development subject to a master plan to remain subject to the master plan, unless the development order is abandoned or rescinded.

Section 10 amends s. 189.08, F.S., to allow a special district that is building, improving, or expanding public facilities addressed by a DRI development order to use the most recent report required by s. 380.06, F.S., to the extent needed to submit the special district's own public facilities report required by the statute (special district public facilities report).

Sections 7, 9, 11 – 18, 20, and 21 amend ss. 125.68, 163.3246, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524, F.S., to correct cross references and make conforming changes.

Section 19 repeals s. 380.065, F.S., which governed the certification of local government review of development.

Section 22 repeals the rules adopted by the DEO governing DRIs that are codified in ch. 73C-40, Florida Administrative Code. It also repeals rules adopted by the Administration Commission related to when two or more developments that are represented by their owners or developers to be separate developments are to be aggregated and treated as a single development.

Section 23 directs the Division of Law Revision and Information to replace the phrase "the effective date of this act" with the date the act takes effect.

Section 24 provides that the bill is effective upon becoming a law.

[39] The exemptions are discussed above in the Present Situation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Local governments currently have responsibilities related to reviewing and administering development orders.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEO will have decreased responsibilities to review various processes for DRIs and FQDs. Many of these responsibilities have been transferred to local governments, which currently have responsibilities related to reviewing and administering development orders.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 165.0615, 380.06, 380.061, 380.0651, 380.07, 380.115, 125.68, 163.3245, 163.3246, 189.08, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524.

This bill repeals section 380.065 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 8, 2018:
The committee substitute:

- Clarifies that a local government may not change to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment.
- Restores current law, which allows a local government to approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved.

CS by Community Affairs on January 23, 2018:

- Reinserts language omitted in the moving of the DRI exemptions from one section to the other.
- Adds a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding.
- Makes technical wording changes.

B. Amendments:

None.

969798

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1068 - 1086

and insert:

to subsection (7) may not amend to an earlier date the ~~appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer~~.

~~(b) When possible, local governments shall issue development orders concurrently with any other local permits or~~

969798

~~development approvals that may be applicable to the proposed development.~~

~~(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:~~

~~1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.~~

~~2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a buildout date that reasonably reflects the time anticipated to complete the development.~~

~~3. Shall establish a~~ date until <u>when</u> ~~which~~ the local government

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 31

and insert:

development may not amend to an earlier date the date before when a

857214

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

Senate Amendment

Delete lines 1362 - 1367
and insert:
approved development of regional impact must be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations, including, but not limited to, procedures for notice to the applicant and the public regarding the issuance of development orders. However, a change to a

development of regional impact that has the effect of reducing the originally approved height, density, or intensity of the development must be reviewed by the local government based on the standards in the local comprehensive plan at the time the development was originally approved, and if the development would have been consistent with the comprehensive plan in effect when the development was originally approved, the local government may approve the change. If the revised development is approved, the developer may proceed as provided in s. 163.3167(5). For any proposed change to a previously approved development of regional impact, at least one public hearing

By the Committee on Community Affairs; and Senator Lee

578-02388-18 20181244c1

A bill to be entitled

An act relating to growth management; amending s. 165.0615, F.S.; adding a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding; amending s. 380.06, F.S.; revising the statewide guidelines and standards for developments of regional impact; deleting criteria that the Administration Commission is required to consider in adopting its guidelines and standards; revising provisions relating to the application of guidelines and standards; revising provisions relating to variations and thresholds for such guidelines and standards; deleting provisions relating to the issuance of binding letters; specifying that previously issued letters remain valid unless previously expired; specifying the procedure for amending a binding letter of interpretation; specifying that previously issued clearance letters remain valid unless previously expired; deleting provisions relating to authorizations to develop, applications for approval of development, concurrent plan amendments, preapplication procedures, preliminary development agreements, conceptual agency review, application sufficiency, local notice, regional reports, and criteria for the approval of developments inside and outside areas of critical state concern; revising provisions relating to local government development orders; specifying that

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02388-18 20181244c1

amendments to a development order for an approved development may not alter the dates before which a development would be subject to downzoning, unit density reduction, or intensity reduction, except under certain conditions; removing a requirement that certain conditions of a development order meet specified criteria; specifying that construction of certain mitigation-of-impact facilities is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional; removing requirements relating to local government approval of developments of regional impact that do not meet certain requirements; removing a requirement that the Department of Economic Opportunity and other agencies cooperate in preparing certain ordinances; authorizing developers to record notice of certain rescinded development orders; specifying that certain agreements regarding developments that are essentially built out remain valid unless previously expired; deleting requirements for a local government to issue a permit for a development subsequent to the buildout date contained in the development order; specifying that amendments to development orders do not diminish or otherwise alter certain credits for a development order exaction or fee against impact fees, mobility fees, or exactions; deleting a provision relating to the determination of certain credits for impact fees or extractions; deleting a provision exempting a nongovernmental developer from being required to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

competitively bid or negotiate construction or design of certain facilities except under certain circumstances; specifying that certain capital contribution front-ending agreements remain valid unless previously expired; deleting a provision relating to local monitoring; revising requirements for developers regarding reporting to local governments and specifying that such reports are not required unless required by a local government with jurisdiction over a development; revising the requirements and procedure for proposed changes to a previously approved development of regional impact and deleting rulemaking requirements relating to such procedure; revising provisions relating to the approval of such changes; specifying that certain extensions previously granted by statute are still valid and not subject to review or modification; deleting provisions relating to determinations as to whether a proposed change is a substantial deviation; deleting provisions relating to comprehensive development-of-regional-impact applications and master plan development orders; specifying that certain agreements that include two or more developments of regional impact which were the subject of a comprehensive development-of-regional-impact application remain valid unless previously expired; deleting provisions relating to downtown development authorities; deleting provisions relating to adoption of rules by the state land planning agency; deleting

statutory exemptions from development-of-regional-impact review; specifying that an approval of an authorized developer for an areawide development of regional impact remains valid unless previously expired; deleting provisions relating to areawide developments of regional impact; deleting an authorization for the state land planning agency to adopt rules relating to abandonment of developments of regional impact; requiring local governments to file a notice of abandonment under certain conditions; deleting an authorization for the state land planning agency to adopt a procedure for filing such notice; requiring a development-of-regional-impact development order to be abandoned by a local government under certain conditions; deleting a provision relating to abandonment of developments of regional impact in certain high-hazard coastal areas; authorizing local governments to approve abandonment of development orders for an approved development under certain conditions; deleting a provision relating to rights, responsibilities, and obligations under a development order; deleting partial exemptions from development-of regional-impact review; deleting exemptions for dense urban land areas; specifying that proposed developments that exceed the statewide guidelines and standards and that are not otherwise exempt be approved by local governments instead of through specified development-of-regional-impact proceedings; amending s. 380.061, F.S.; specifying that the Florida

Quality Developments program only applies to previously approved developments in the program before the effective date of the act; specifying a process for local governments to adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Developments; deleting program intent, eligibility requirements, rulemaking authorizations, and application and approval requirements and processes; deleting an appeals process and the Quality Developments Review Board; amending s. 380.0651, F.S.; deleting provisions relating to the superseding of guidelines and standards adopted by the Administration Commission and the publishing of guidelines and standards by the Administration Commission; conforming a provision to changes made by the act; specifying exemptions and partial exemptions from development-of-regional-impact review; deleting provisions relating to determining whether there is a unified plan of development; deleting provisions relating to the circumstances where developments should be aggregated; deleting a provision relating to prospective application of certain provisions; deleting a provision authorizing state land planning agencies to enter into agreements for the joint planning, sharing, or use of specified public infrastructure, facilities, or services by developers; deleting an authorization for the state land planning agency to adopt rules; amending s. 380.07, F.S.; deleting an authorization

for the Florida Land and Water Adjudicatory Commission to adopt rules regarding the requirements for developments of regional impact; revising when a local government must transmit a development order to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order; deleting a process for regional planning agencies to undertake appeals of development-of-regional-impact development orders; revising a process for appealing development orders for consistency with a local comprehensive plan to be available only for developments in areas of critical state concern; deleting a procedure regarding certain challenges to development orders relating to developments of regional impact; amending s. 380.115, F.S.; deleting a provision relating to changes in development-of-regional-impact guidelines and standards and the impact of such changes on vested rights, duties, and obligations pursuant to any development order or agreement; requiring local governments to monitor and enforce development orders and prohibiting local governments from issuing permits, approvals, or extensions of services if a developer does not act in substantial compliance with an order; deleting provisions relating to changes in development of regional impact guidelines and standards and their impact on the development approval process; amending s. 125.68, F.S.; conforming a cross-reference; amending s. 163.3245, F.S.; conforming

cross-references; conforming provisions to changes made by the act; revising the circumstances in which applicants who apply for master development approval for an entire planning area must remain subject to a master development order; specifying an exception; deleting a provision relating to the level of review for applications for master development approval; amending s. 163.3246, F.S.; conforming provisions to changes made by the act; conforming cross-references; amending s. 189.08, F.S.; conforming a cross-reference; conforming a provision to changes made by the act; amending s. 190.005, F.S.; conforming cross-references; amending ss. 190.012 and 252.363, F.S.; conforming cross-references; amending s. 369.303, F.S.; conforming a provision to changes made by the act; amending ss. 369.307, 373.236, and 373.414, F.S.; conforming cross-references; amending s. 378.601, F.S.; conforming a provision to changes made by the act; repealing s. 380.065, F.S., relating to a process to allow local governments to request certification to review developments of regional impact that are located within their jurisdictions in lieu of the regional review requirements; amending ss. 380.11 and 403.524, F.S.; conforming cross-references; repealing specified rules regarding uniform review of developments of regional impact by the state land planning agency and regional planning agencies; repealing the rules adopted by the Administration Commission regarding whether two or more developments,

represented by their owners or developers to be separate developments, shall be aggregated; providing a directive to the Division of Law Revision and Information; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 165.0615, Florida Statutes, is amended to read:

165.0615 Municipal conversion of independent special districts upon elector-initiated and approved referendum.—

(1) The qualified electors of an independent special district may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district proposed to be converted if the district meets all of the following criteria:

(a) It was created by special act of the Legislature.

(b) It is designated as an improvement district and created pursuant to chapter 298 or is designated as a stewardship district and created pursuant to s. 189.031.

(c) Its governing board is elected.

(d) Its governing board agrees to the conversion.

(e) It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities.

(f) No portion of the district is located within the jurisdictional limits of a municipality.

(g) It meets the minimum population standards specified in

s. 165.061(1)(b).

Section 2. Section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(1) DEFINITION.—The term "development of regional impact," as used in this section, means any development that ~~which~~, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(2) STATEWIDE GUIDELINES AND STANDARDS.—

~~(a)~~ The statewide guidelines and standards and the exemptions specified in s. 380.0651 and the statewide guidelines and standards adopted by the Administration Commission and codified in chapter 28-24, Florida Administrative Code, must be ~~state land planning agency shall recommend to the Administration Commission specific statewide guidelines and standards for adoption pursuant to this subsection. The Administration Commission shall by rule adopt statewide guidelines and standards to be~~ used in determining whether particular developments are subject to the requirements of subsection (12) ~~shall undergo development-of-regional-impact review~~. The statewide guidelines and standards previously adopted by the Administration Commission and approved by the Legislature shall remain in effect unless ~~revised pursuant to this section or~~ superseded or repealed by statute ~~by other provisions of law~~.

~~(b) In adopting its guidelines and standards, the Administration Commission shall consider and shall be guided by:~~

~~1. The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise.~~

~~2. The amount of pedestrian or vehicular traffic likely to be generated.~~

~~3. The number of persons likely to be residents, employees, or otherwise present.~~

~~4. The size of the site to be occupied.~~

~~5. The likelihood that additional or subsidiary development will be generated.~~

~~6. The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.~~

~~7. The unique qualities of particular areas of the state.~~

~~(c) With regard to the changes in the guidelines and standards authorized pursuant to this act, in determining whether a proposed development must comply with the review requirements of this section, the state land planning agency shall apply the guidelines and standards which were in effect when the developer received authorization to commence development from the local government. If a developer has not received authorization to commence development from the local government prior to the effective date of new or amended guidelines and standards, the new or amended guidelines and standards shall apply.~~

~~(d)~~ The statewide guidelines and standards shall be applied as follows:

(a)~~1.~~ Fixed thresholds.—

~~a.~~ A development that is below 100 percent of all numerical thresholds in the statewide guidelines and standards is not subject to subsection (12) ~~is not required to undergo~~

development-of-regional-impact review.

(b)b. A development that is at or above 100 120 percent of any numerical threshold in the statewide guidelines and standards is subject to subsection (12) shall be required to undergo development of regional impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Department of Economic Opportunity as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c) and (f) are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(c) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable individual use guidelines and standards for residential, hotel, motel, office, and retail developments and multiuse guidelines and standards shall be increased by 100 percent in urban central business districts and regional

activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built before July 1, 1992. The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of opportunity pursuant to s. 288.0656 during the effectiveness of the designation.

(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND STANDARDS.—The state land planning agency, a regional planning agency, or a local government may petition the Administration Commission to increase or decrease the numerical thresholds of any statewide guideline and standard. The state land planning agency or the regional planning agency may petition for an increase or decrease for a particular local government's jurisdiction or a part of a particular jurisdiction. A local government may petition for an increase or decrease within its jurisdiction or a part of its jurisdiction. A number of requests

~~may be combined in a single petition.~~

~~(a) When a petition is filed, the state land planning agency shall have no more than 180 days to prepare and submit to the Administration Commission a report and recommendations on the proposed variation. The report shall evaluate, and the Administration Commission shall consider, the following criteria:~~

~~1. Whether the local government has adopted and effectively implemented a comprehensive plan that reflects and implements the goals and objectives of an adopted state comprehensive plan.~~

~~2. Any applicable policies in an adopted strategic regional policy plan.~~

~~3. Whether the local government has adopted and effectively implemented both a comprehensive set of land development regulations, which regulations shall include a planned unit development ordinance, and a capital improvements plan that are consistent with the local government comprehensive plan.~~

~~4. Whether the local government has adopted and effectively implemented the authority and the fiscal mechanisms for requiring developers to meet development order conditions.~~

~~5. Whether the local government has adopted and effectively implemented and enforced satisfactory development review procedures.~~

~~(b) The affected regional planning agency, adjoining local governments, and the local government shall be given a reasonable opportunity to submit recommendations to the Administration Commission regarding any such proposed variations.~~

~~(c) The Administration Commission shall have authority to~~

~~increase or decrease a threshold in the statewide guidelines and standards up to 50 percent above or below the statewide presumptive threshold. The commission may from time to time reconsider changed thresholds and make additional variations as it deems necessary.~~

~~(d) The Administration Commission shall adopt rules setting forth the procedures for submission and review of petitions filed pursuant to this subsection.~~

~~(e) Variations to guidelines and standards adopted by the Administration Commission under this subsection shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved as submitted by general law, the revisions shall not become effective.~~

(3)~~(4)~~ BINDING LETTER.—

(a) Any binding letter previously issued to a developer by the state land planning agency as to ~~If any developer is in doubt~~ whether his or her proposed development must undergo development-of-regional-impact review ~~under the guidelines and standards~~, whether his or her rights have vested pursuant to subsection (8) ~~(20)~~, or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (8) ~~(20)~~ would divest such rights, remains valid unless it expired on or before the effective date of this act ~~the developer may request a determination from the state land planning agency~~. ~~The developer or the appropriate local government having jurisdiction may request that the state land planning agency determine whether~~

~~the amount of development that remains to be built in an approved development of regional impact meets the criteria of subparagraph (15)(g)3.~~

(b) Upon a request by the developer, a binding letter of interpretation regarding which rights had previously vested in a development of regional impact may be amended by the local government of jurisdiction, based on standards and procedures in the adopted local comprehensive plan or the adopted local land development code, to reflect a change to the plan of development and modification of vested rights, provided that any such amendment to a binding letter of vested rights must be consistent with s. 163.3167(5). Review of a request for an amendment to a binding letter of vested rights may not include a review of the impacts created by previously vested portions of the development ~~Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if the development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards~~.

~~(c) Any local government may petition the state land planning agency to require a developer of a development located in an adjacent jurisdiction to obtain a binding letter of interpretation. The petition shall contain facts to support a finding that the development as proposed is a development of regional impact. This paragraph shall not be construed to grant standing to the petitioning local government to initiate an~~

~~administrative or judicial proceeding pursuant to this chapter.~~

~~(d) A request for a binding letter of interpretation shall be in writing and in such form and content as prescribed by the state land planning agency. Within 15 days of receiving an application for a binding letter of interpretation or a supplement to a pending application, the state land planning agency shall determine and notify the applicant whether the information in the application is sufficient to enable the agency to issue a binding letter or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the state land planning agency in writing that the information will not be supplied and the reasons therefor. If the applicant does not respond to the request for additional information within 120 days, the application for a binding letter of interpretation shall be deemed to be withdrawn. Within 35 days after acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the state land planning agency shall issue a binding letter of interpretation with respect to the proposed development. A binding letter of interpretation issued by the state land planning agency shall bind all state, regional, and local agencies, as well as the developer.~~

~~(e) In determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would divest such rights, the state land planning agency shall review the proposed change within the context of:~~

~~1. Criteria specified in paragraph (19)(b);~~

~~2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;~~

~~3. All rights and obligations arising out of the vested status of such development;~~

~~4. Permit conditions or requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and~~

~~5. Any regional impacts arising from the proposed change.~~

~~(f) If a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to subsection (20). Furthermore, where all or a portion of the development of regional impact for which rights had previously vested pursuant to subsection (20) is demolished and reconstructed within the same approximate footprint of buildings and parking lots, so that any change in the size of the development does not exceed the criteria of paragraph (19)(b), such demolition and reconstruction shall not divest the rights which had vested.~~

(c) ~~(g)~~ Every binding letter determining that a proposed development is not a development of regional impact, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:

1. Three years from October 1, 1985, for binding letters issued prior to the effective date of this act; or

2. Three years from the date of issuance of binding letters

issued on or after October 1, 1985.

(d) ~~(h)~~ The expiration date of a binding letter begins~~,~~ ~~established pursuant to paragraph (g), shall begin~~ to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the state land planning agency, the local government of jurisdiction, and the developer.

(e) ~~(i) In response to an inquiry from a developer or the appropriate local government having jurisdiction, the state land planning agency may issue~~ An informal determination by the state land planning agency, in the form of a clearance letter as to whether a development is required to undergo development-of-regional-impact review or whether the amount of development that remains to be built in an approved development of regional impact, remains valid unless it expired on or before the effective date of this act ~~meets the criteria of subparagraph (15)(g)3. A clearance letter may be based solely on the information provided by the developer, and the state land planning agency is not required to conduct an investigation of that information. If any material information provided by the developer is incomplete or inaccurate, the clearance letter is not binding upon the state land planning agency. A clearance letter does not constitute final agency action~~.

~~(5) AUTHORIZATION TO DEVELOP.—~~

~~(a)1. A developer who is required to undergo development-of-regional-impact review may undertake a development of regional impact if the development has been approved under the requirements of this section.~~

~~2. If the land on which the development is proposed is~~

~~within an area of critical state concern, the development must also be approved under the requirements of s. 380.05.~~

~~(b) State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development of regional impact review. If a project is undergoing or will be required to undergo development of regional impact review, any state or regional permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), any state or regional agency permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development of regional impact review or after the developer obtains a development order pursuant to this section.~~

~~(c) Prior to the issuance of a final development order, the developer may elect to be bound by the rules adopted pursuant to chapters 373 and 403 in effect when such development order is issued. The rules adopted pursuant to chapters 373 and 403 in~~

~~effect at the time such development order is issued shall be applicable to all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized in such development order, except that a later adopted rule shall be applicable to an application if:~~

~~1. The later adopted rule is determined by the rule adopting agency to be essential to the public health, safety, or welfare;~~

~~2. The later adopted rule is adopted pursuant to s. 403.061(27);~~

~~3. The later adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program;~~

~~4. The later adopted rule is mandated in order for the state to maintain delegation of a federal program; or~~

~~5. The later adopted rule is required by state or federal law.~~

~~(d) The provision of day care service facilities in developments approved pursuant to this section is permissible but is not required.~~

~~Further, in order for any developer to apply for permits pursuant to this provision, the application must be filed within 5 years from the issuance of the final development order and the permit shall not be effective for more than 8 years from the issuance of the final development order. Nothing in this paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.~~

~~(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT~~

~~PLAN AMENDMENTS.—~~

~~(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.~~

~~(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3184 and applicable local ordinances, without regard to local limits on the frequency of consideration of amendments to the local comprehensive plan. This paragraph does not require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:~~

~~1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).~~

~~2. When filing the application for development approval or~~

~~the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.~~

~~3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.~~

~~4. If the local government approves the transmittal, procedures set forth in s. 163.3184 must be followed.~~

~~5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days after reviewing agency comments are due to the local government pursuant to s. 163.3184.~~

~~6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.~~

~~7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments~~

must follow the provisions of s. 163.3184.

(7) PREAPPLICATION PROCEDURES.—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency having jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The levels of service required in the transportation methodology shall be the same levels of service used to evaluate concurrency in accordance with s. 163.3180. The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If an agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate. The reviewing agencies may make only recommendations or comments regarding a proposed development which are consistent with the statutes, rules, or adopted local government ordinances that are applicable to developments in the jurisdiction where the proposed development is located.

(b) The regional planning agency shall establish by rule a procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval when those questions are found to be unnecessary for development-of-regional-impact review. It is the legislative intent of this subsection to encourage reduction of paperwork, to discourage unnecessary gathering of data, and to encourage the coordination of the development-of-regional-impact review process with federal, state, and local environmental reviews when such reviews are required by law.

(c) If the application for development approval is not submitted within 1 year after the date of the preapplication conference, the regional planning agency, the local government having jurisdiction, or the applicant may request that another preapplication conference be held.

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.

~~2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.~~

~~3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.~~

~~4. The preliminary development shall be limited to lands that the state land planning agency agrees are suitable for development and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.~~

~~5. The preliminary development agreement may allow development which is:~~

~~a. Less than 100 percent of any applicable threshold if the developer demonstrates that such development is consistent with subparagraph 4.; or~~

~~b. Less than 120 percent of any applicable threshold if the developer demonstrates that such development is part of a~~

~~proposed downtown development of regional impact specified in subsection (22) or part of any areawide development of regional impact specified in subsection (25) and that the development is consistent with subparagraph 4.~~

~~6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development or to particular conditions in a final development order.~~

~~7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.~~

~~8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.~~

~~9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.~~

~~10. A notice of the preliminary development agreement shall~~

~~be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreement. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.~~

~~11. Except for those agreements which authorize preliminary development for substantial deviations pursuant to subsection (19), a developer who no longer wishes to pursue a development of regional impact may propose to abandon any preliminary development agreement executed after January 1, 1985, including those pursuant to s. 380.032(3), provided at the time of abandonment:~~

~~a. A final development order under this section has been rendered that approves all of the development actually constructed; or~~

~~b. The amount of development is less than 100 percent of all numerical thresholds of the guidelines and standards, and the state land planning agency determines in writing that the development to date is in compliance with all applicable local regulations and the terms and conditions of the preliminary development agreement and otherwise adequately mitigates for the impacts of the development to date.~~

~~In either event, when a developer proposes to abandon said agreement, the developer shall give written notice and state that he or she is no longer proposing a development of regional impact and provide adequate documentation that he or she has met the criteria for abandonment of the agreement to the state land planning agency. Within 30 days of receipt of adequate documentation of such notice, the state land planning agency shall make its determination as to whether or not the developer meets the criteria for abandonment. Once the state land planning agency determines that the developer meets the criteria for abandonment, the state land planning agency shall issue a notice of abandonment which shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located.~~

~~(b) The state land planning agency may enter into other types of agreements to effectuate the provisions of this act as provided in s. 380.032.~~

~~(c) The provisions of this subsection shall also be available to a developer who chooses to seek development approval of a Florida Quality Development pursuant to s. 380.061.~~

~~(9) CONCEPTUAL AGENCY REVIEW.—~~

~~(a)1. In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits, a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review~~

~~and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (7).~~

~~2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.~~

~~3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.60(1) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (10)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under ss. 120.569 and 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under ss. 120.569 and 120.57 on the proposed development by any parties to the prior proceeding.~~

~~4. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.~~

~~(b) The Department of Environmental Protection, each water management district, and each other state or regional agency that requires construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their~~

~~respective regulatory jurisdictions:~~

~~1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.~~

~~2. Dredging and filling activities.~~

~~3. The management and storage of surface waters.~~

~~4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph 3.~~

~~Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.~~

~~(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.~~

~~2. Each agency shall cooperate with the state land planning agency to standardize, to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.~~

~~(d) At the conclusion of the conceptual agency review, the agency shall give notice of its proposed agency action as required by s. 120.60(3) and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development~~

~~impacts and stating whether the agency intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefor. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.~~

~~(c) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency's standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:~~

~~1. That an applicant or his or her agent has submitted materially false or inaccurate information in the application for conceptual approval;~~

~~2. That the developer has violated a condition of the conceptual approval; or~~

~~3. That the development will cause a violation of the agency's applicable laws or rules.~~

~~(f) Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.~~

~~(g) Nothing contained in this subsection shall be construed~~

~~to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.~~

~~(10) APPLICATION; SUFFICIENCY.—~~

~~(a) When an application for development approval is filed with a local government, the developer shall also send copies of the application to the appropriate regional planning agency and the state land planning agency.~~

~~(b) If a regional planning agency determines that the application for development approval is insufficient for the agency to discharge its responsibilities under subsection (12), it shall provide in writing to the appropriate local government and the applicant a statement of any additional information desired within 30 days of the receipt of the application by the regional planning agency. The applicant may supply the information requested by the regional planning agency and shall communicate its intention to do so in writing to the appropriate local government and the regional planning agency within 5 working days of the receipt of the statement requesting such information, or the applicant shall notify the appropriate local government and the regional planning agency in writing that the requested information will not be supplied. Within 30 days after receipt of such additional information, the regional planning agency shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by, or directly related to, the additional information. The regional planning agency may request additional information no more than twice, unless the developer waives this limitation. If an applicant does not provide the information requested by a regional planning agency within 120 days of its~~

~~request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn.~~

~~(c) The regional planning agency shall notify the local government that a public hearing date may be set when the regional planning agency determines that the application is sufficient or when it receives notification from the developer that the additional requested information will not be supplied, as provided for in paragraph (b).~~

~~(11) LOCAL NOTICE.—Upon receipt of the sufficiency notification from the regional planning agency required by paragraph (10)(c), the appropriate local government shall give notice and hold a public hearing on the application in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such hearing proceedings shall be recorded by tape or a certified court reporter and made available for transcription at the expense of any interested party. When a development of regional impact is proposed within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. The local government shall comply with the following additional requirements:~~

~~(a) The notice of public hearing shall state that the proposed development is undergoing a development-of-regional-impact review.~~

~~(b) The notice shall be published at least 60 days in advance of the hearing and shall specify where the information and reports on the development of regional impact application may be reviewed.~~

~~(c) The notice shall be given to the state land planning agency, to the applicable regional planning agency, to any state or regional permitting agency participating in a conceptual agency review process under subsection (9), and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.~~

~~(d) A public hearing date shall be set by the appropriate local government at the next scheduled meeting. The public hearing shall be held no later than 90 days after issuance of notice by the regional planning agency that a public hearing may be set, unless an extension is requested by the applicant.~~

~~(12) REGIONAL REPORTS.~~

~~(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:~~

~~1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. As used in this subsection, the term "applicable state plan" means the state comprehensive plan. As used in this subsection, the term "applicable regional plan" means an adopted strategic regional~~

~~policy plan.~~

~~2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.~~

~~3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment if the regional planning agency has adopted an affordable housing policy as part of its strategic regional policy plan. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.~~

~~(b) The regional planning agency report must contain recommendations that are consistent with the standards required by the applicable state permitting agencies or the water management district.~~

~~(c) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may~~

~~comment on the regional implications of the permits but may not offer conflicting recommendations.~~

~~(d) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.~~

~~(e) If the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.~~

~~(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN. If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section. The provisions of this section shall not apply to developments in areas of critical state concern which had pending applications and had been noticed or agendaed by local government after September 1, 1985, and before October 1, 1985, for development order approval. In all such cases, the state land planning agency may consider and address applicable regional issues contained in subsection (12) as part of its area-of-critical-state-concern review pursuant to ss. 380.05, 380.07, and 380.11.~~

~~(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 is 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.~~

~~(b) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12).~~

~~(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).~~

~~However, a local government may approve a change to a development authorized as a development of regional impact if the change has the effect of reducing the originally approved height, density, or intensity of the development and if the revised development would have been consistent with the comprehensive plan in effect when the development was originally approved. If the revised development is approved, the developer may proceed as provided in s. 163.3167(5).~~

(4) ~~(15)~~ LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(a) Notwithstanding any provision of any adopted local comprehensive plan or adopted local government land development regulation to the contrary, an amendment to a development order for an approved development of regional impact adopted pursuant to subsection (7) may not alter the ~~appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer~~.

~~(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed~~

~~development.~~

~~(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:~~

~~1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.~~

~~2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a buildout date that reasonably reflects the time anticipated to complete the development.~~

~~3. Shall establish a~~ date until which the local government agrees that the approved development of regional impact will ~~shall~~ not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare. The date established pursuant to this paragraph may not be ~~subparagraph shall be no~~ sooner than the buildout date of the project.

~~4. Shall specify the requirements for the biennial report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope~~

~~of any additional local requirements that may be necessary for the report.~~

~~5. May specify the types of changes to the development which shall require submission for a substantial deviation determination or a notice of proposed change under subsection (19).~~

~~6. Shall include a legal description of the property.~~

~~(d) Conditions of a development order that require a developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:~~

~~1. The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.~~

~~2. Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.~~

~~3. Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.~~

~~4. Construction or expansion of a public facility by a nongovernmental developer as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional~~

~~for any part of the construction or design.~~

(b) ~~(c)~~ 1. A local government may ~~shall~~ not include~~,~~ as a development order condition for a development of regional impact~~,~~ any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Selection of a contractor or design professional for any aspect of construction or design related to the construction or expansion of a public facility by a nongovernmental developer which is undertaken as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation ~~A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the~~

~~developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development~~.

~~3. The Department of Economic Opportunity and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.~~

(c) ~~(f)~~ Notice of the adoption of an amendment ~~a development order or the subsequent amendments~~ to an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any amendments may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice does ~~shall~~ not constitute a lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien, cloud, or encumbrance. This paragraph applies only to developments initially approved under this section after July 1, 1980. If the local government of jurisdiction rescinds a development order for an approved development of regional impact pursuant to s. 380.115, the developer may record notice of the

rescission.

(d) ~~(g)~~ Any agreement entered into by the state land planning agency, the developer, and the ~~A~~ local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before the effective date of this act. ~~may not issue a permit for a 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) after the termination or expiration date;~~

~~2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with 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. The parties may amend the agreement without submission, review, or approval of a notification of proposed change pursuant to subsection (19). For the purposes of this paragraph, a development of regional impact is considered essentially built out, if:~~

~~a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date or reporting requirements; 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.~~

~~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, when a developer is building out a project, a local government, without the concurrence of the state land planning agency, may adopt a resolution authorizing the developer to exchange one approved land use for another approved land use as specified in the agreement. Before the 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. For developments previously determined to impact strategic intermodal facilities as defined in s. 339.63, the local government shall consult with the Department of Transportation before approving the exchange.~~

~~(h) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order.~~

(5) ~~(16)~~ CREDITS AGAINST LOCAL IMPACT FEES.—

(a) Notwithstanding any provision of an adopted local comprehensive plan or adopted local government land development

regulations to the contrary, the adoption of an amendment to a development order for an approved development of regional impact pursuant to subsection (7) does not diminish or otherwise alter any credits for a development order exaction or fee as against impact fees, mobility fees, or exactions when such credits are based upon the developer's contribution of land or a public facility or the construction, expansion, or payment for land acquisition or construction or expansion of a public facility, or a portion thereof ~~If the development order requires the developer to contribute land or a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the local government shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the local government shall not be required to grant a credit toward the local exaction or impact fee unless the local government determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address. The nongovernmental developer need not be required, by virtue of this credit, to competitively bid or negotiate any part of the construction or design of the facility, unless otherwise requested by the local government~~.

(b) If the local government imposes or increases an impact fee, mobility fee, or exaction by local ordinance after a

development order has been issued, the developer may petition the local government, and the local government shall modify the affected provisions of the development order to give the developer credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the development order toward an impact fee or exaction for the same need.

(c) Any ~~The local government and the developer may enter into~~ capital contribution front-ending agreement entered into by a local government and a developer which is still in effect as of the effective date of this act ~~agreements~~ as part of a development-of-regional-impact development order to reimburse the developer, or the developer's successor, for voluntary contributions paid in excess of his or her fair share remains valid.

(d) This subsection does not apply to internal, onsite facilities required by local regulations or to any offsite facilities to the extent that such facilities are necessary to provide safe and adequate services to the development.

~~(17) LOCAL MONITORING.—The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.~~

(6)~~(18)~~ ~~BIENNIAL~~ REPORTS.—Notwithstanding any condition in a development order for an approved development of regional

impact, the developer is not required to ~~shall~~ submit an annual or a biennial report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies ~~in alternate years on the date specified in the development order,~~ unless required to do so by the local government that has jurisdiction over the development. The penalty for failure to file such a required report is as prescribed by the local government ~~development order by its terms requires more frequent monitoring. If the report is not received, the state land planning agency shall notify the local government. If the local government does not receive the report or receives notification that the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. If no additional development pursuant to the development order has occurred since the submission of the previous report, then a letter from the developer stating that no development has occurred shall satisfy the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government~~.

(7) ~~(19)~~ CHANGES ~~SUBSTANTIAL DEVIATIONS~~.—

(a) Notwithstanding any provision to the contrary in any development order, agreement, local comprehensive plan, or local land development regulation, any proposed change to a previously approved development of regional impact shall be reviewed by the local government based on the standards and procedures in its

adopted local comprehensive plan and adopted local land development regulations, including, but not limited to, procedures for notice to the applicant and the public regarding the issuance of development orders. At least one public hearing must be held on the application for change, and any change must be approved by the local governing body before it becomes effective. The review must abide by any prior agreements or other actions vesting the laws and policies governing the development. Development within the previously approved development of regional impact may continue, as approved, during the review in portions of the development which are not directly affected by the proposed change ~~which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose~~.

(b) The local government shall either adopt an amendment to the development order that approves the application, with or without conditions, or deny the application for the proposed change. Any new conditions in the amendment to the development order issued by the local government may address only those impacts directly created by the proposed change, and must be consistent with s. 163.3180(5), the adopted comprehensive plan, and adopted land development regulations. Changes to a phase

date, buildout date, expiration date, or termination date may also extend any required mitigation associated with a phased construction project so that mitigation takes place in the same timeframe relative to the impacts as approved ~~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 criteria in subparagraphs 1.-11. constitutes 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 section~~.

~~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.~~

~~4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.~~

~~5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated~~

~~to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced before the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

~~6. 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. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (c)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.~~

(c) This section is not intended to alter or otherwise limit the extension, previously granted by statute, of a commencement, buildout, phase, termination, or expiration date in any development order for an approved development of regional impact and any corresponding modification of a related permit or agreement. Any such extension is not subject to review or modification in any future amendment to a development order pursuant to the adopted local comprehensive plan and adopted local land development regulations ~~An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review~~.

~~1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.~~

~~2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated~~

~~mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.~~

~~For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.~~

~~(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to~~

~~this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.~~

~~(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 sub-subparagraph, 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 sub-~~

~~subparagraph j.~~

~~l. 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.~~

~~m. 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 a.-l. and that does not create the likelihood of any additional regional impact.~~

~~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. 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:~~

~~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.~~

~~(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.~~

~~2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.~~

~~3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.~~

~~4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the~~

~~proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.~~

~~5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (c), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.~~

~~6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable~~

~~local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (c)1. or subparagraph (c)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.~~

~~(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:~~

~~1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.~~

~~2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.~~

~~3. If the local government determines that the proposed~~

~~change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.~~

~~4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.~~

~~(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.~~

~~(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for~~

~~income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

(8) ~~(20)~~ VESTED RIGHTS.—Nothing in this section shall limit or modify the rights of any person to complete any development that was authorized by registration of a subdivision pursuant to former chapter 498, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position and which registration or recordation was accomplished, or which permit or authorization was issued, prior to July 1, 1973. If a developer has, by his or her actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to the developer's interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(a) For the purpose of determining the vesting of rights under this subsection, approval pursuant to local subdivision

plat law, ordinances, or regulations of a subdivision plat by formal vote of a county or municipal governmental body having jurisdiction after August 1, 1967, and prior to July 1, 1973, is sufficient to vest all property rights for the purposes of this subsection; and no action in reliance on, or change of position concerning, such local governmental approval is required for vesting to take place. Anyone claiming vested rights under this paragraph must notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, in order for the vested rights authorized pursuant to this paragraph to remain valid after June 30, 1990, development of the vested plan must be commenced prior to that date upon the property that the state land planning agency has determined to have acquired vested rights following the notification or in a binding letter of interpretation. When the notification requirements have not been met, the vested rights authorized by this paragraph shall expire June 30, 1986, unless development commenced prior to that date.

(b) For the purpose of this act, the conveyance of, or the agreement to convey, property to the county, state, or local government as a prerequisite to zoning change approval shall be construed as an act of reliance to vest rights as determined under this subsection, provided such zoning change is actually granted by such government.

(9) ~~(21)~~ VALIDITY OF COMPREHENSIVE APPLICATION~~; MASTER PLAN DEVELOPMENT ORDER~~.—

~~(a)~~ Any agreement previously entered into by a developer, a regional planning agency, and a local government regarding ~~If~~ a

development project that includes two or more developments of regional impact and was the subject of~~, a developer may file~~ a comprehensive development-of-regional-impact application remains valid unless it expired on or before the effective date of this act.

~~(b) If a proposed development is planned for development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement shall be entered into by the developer, the regional planning agency, and the appropriate local government having jurisdiction. The provisions of subsection (9) do not apply to this subsection, except that a developer may elect to utilize the review process established in subsection (9) for review of the increments of a master plan.~~

~~1. Prior to adoption of the master plan development order, the developer, the landowner, the appropriate regional planning agency, and the local government having jurisdiction shall review the draft of the development order to ensure that anticipated regional impacts have been adequately addressed and that information requirements for subsequent incremental application review are clearly defined. The development order for a master application shall specify the information which must be submitted with an incremental application and shall identify those issues which can result in the denial of an incremental application.~~

~~2. The review of subsequent incremental applications shall be limited to that information specifically required and those issues specifically raised by the master development order,~~

~~unless substantial changes in the conditions underlying the approval of the master plan development order are demonstrated or the master development order is shown to have been based on substantially inaccurate information.~~

~~(c) The state land planning agency, by rule, shall establish uniform procedures to implement this subsection.~~

~~(22) DOWNTOWN DEVELOPMENT AUTHORITIES.—~~

~~(a) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to this section. The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in s. 380.031(5). For the purposes of this subsection, a downtown development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.~~

~~(b) In addition to information required by the development-of-regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category. In addition to the requirements of subsection (15), the development order shall specify the amount of development approved within each land use category. Development undertaken in conformance with a development order issued under this section does not require further review.~~

~~(c) If a development is proposed within the area of a downtown development plan approved pursuant to this section which would result in development in excess of the amount specified in the development order for that type of activity,~~

~~changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).~~

~~(d) The provisions of subsection (9) do not apply to this subsection.~~

~~(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.—~~

~~(a) The state land planning agency shall adopt rules to ensure uniform review of developments of regional impact by the state land planning agency and regional planning agencies under this section. These rules shall be adopted pursuant to chapter 120 and shall include all forms, application content, and review guidelines necessary to implement development of regional impact reviews. The state land planning agency, in consultation with the regional planning agencies, may also designate types of development or areas suitable for development in which reduced information requirements for development-of-regional-impact review shall apply.~~

~~(b) Regional planning agencies shall be subject to rules adopted by the state land planning agency. At the request of a regional planning council, the state land planning agency may adopt by rule different standards for a specific comprehensive planning district upon a finding that the statewide standard is inadequate to protect or promote the regional interest at issue. If such a regional standard is adopted by the state land planning agency, the regional standard shall be applied to all pertinent development-of-regional-impact reviews conducted in that region until rescinded.~~

~~(c) Within 6 months of the effective date of this section, the state land planning agency shall adopt rules which:~~

~~1. Establish uniform statewide standards for development of regional impact review.~~

~~2. Establish a short application for development approval form which eliminates issues and questions for any project in a jurisdiction with an adopted local comprehensive plan that is in compliance.~~

~~(d) Regional planning agencies that perform development of regional impact and Florida Quality Development review are authorized to assess and collect fees to fund the costs, direct and indirect, of conducting the review process. The state land planning agency shall adopt rules to provide uniform criteria for the assessment and collection of such fees. The rules providing uniform criteria shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons. Until the state land planning agency adopts a rule implementing this paragraph, rules of the regional planning councils currently in effect regarding fees shall remain in effect. Fees may vary in relation to the type and size of a proposed project, but shall not exceed $75,000, unless the state land planning agency, after reviewing any disputed expenses charged by the regional planning agency, determines that said expenses were reasonable and necessary for an adequate regional review of the impacts of a project.~~

~~(24) STATUTORY EXEMPTIONS.—~~

~~(a) Any proposed hospital is exempt from this section.~~

~~(b) Any proposed electrical transmission line or electrical power plant is exempt from this section.~~

~~(c) Any proposed addition to an existing sports facility complex is exempt from this section if the addition meets the following characteristics:~~

~~1. It would not operate concurrently with the scheduled hours of operation of the existing facility.~~

~~2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.~~

~~3. The sports facility complex property is owned by a public body before July 1, 1983.~~

~~This exemption does not apply to any pari-mutuel facility.~~

~~(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.~~

~~(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before July 1, 1973, is exempt from this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.~~

~~(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which~~

~~the facility is located of the increase at least 6 months before the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.~~

~~(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from this section, if the following conditions exist:~~

~~1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;~~

~~b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or~~

~~c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and~~

~~2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.~~

~~Any owner or developer who intends to rely on this statutory~~

~~exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days after receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.~~

~~(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with s. 163.3178.~~

~~(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from this section.~~

~~(j) Any renovation or redevelopment within the same land~~

~~parcel which does not change land use or increase density or intensity of use.~~

~~(k) Waterport and marina development, including dry storage facilities, are exempt from this section.~~

~~(l) Any proposed development within an urban service boundary established under s. 163.3177(14), Florida Statutes (2010), which is not otherwise exempt pursuant to subsection (29), is exempt from this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary and has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities.~~

~~(m) Any proposed development within a rural land stewardship area created under s. 163.3248.~~

~~(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.~~

~~(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.~~

~~(p) Any proposed nursing home or assisted living facility is exempt from this section.~~

~~(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(b)4. is exempt from this section.~~

~~(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.~~

~~(s) Any development in a detailed specific area plan which is prepared and adopted pursuant to s. 163.3245 is exempt from~~

~~this section.~~

~~(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in subsection (19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights are is not subject to further review or approval as a development of regional impact or notice of proposed change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s. 380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.~~

~~(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional impact review under revised thresholds is not required to undergo such review.~~

~~(v) Any development within a county with a research and~~

~~education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.~~

~~(w) Any development in an energy economic zone designated pursuant to s. 377.809 is exempt from this section upon approval by its local governing body.~~

~~(x) Any proposed development that is located in a local government jurisdiction that does not qualify for an exemption based on the population and density criteria in paragraph (29)(a), that is approved as a comprehensive plan amendment adopted pursuant to s. 163.3184(4), and that is the subject of an agreement pursuant to s. 288.106(5) is exempt from this section. This exemption shall only be effective upon a written agreement executed by the applicant, the local government, and the state land planning agency. The state land planning agency shall only be a party to the agreement upon a determination that the development is the subject of an agreement pursuant to s. 288.106(5) and that the local government has the capacity to adequately assess the impacts of the proposed development. The local government shall only be a party to the agreement upon approval by the governing body of the local government and upon providing at least 21 days' notice to adjacent local governments that includes, at a minimum, information regarding the location, density and intensity of use, and timing of the proposed development. This exemption does not apply to areas within the boundary of any area of critical state concern designated pursuant to s. 380.05, within the boundary of the Wekiva Study Area as described in s. 369.316, or within 2 miles of the~~

~~boundary of the Everglades Protection Area as defined in s. 373.4592(2).~~

~~If a use is exempt from review as a development of regional impact under paragraphs (a)-(u), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Department of Economic Opportunity under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.~~

(10)~~(25)~~ AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

~~(a)~~ Any approval of an authorized developer for ~~may submit~~ an areawide development of regional impact remains valid unless it expired on or before the effective date of this act. ~~to be reviewed pursuant to the procedures and standards set forth in this section. The areawide development-of-regional-impact review shall include an areawide development plan in addition to any other information required under this section. After review and approval of an areawide development of regional impact under this section, all development within the defined planning area shall conform to the approved areawide development plan and development order. Individual developments that conform to the approved areawide development plan shall not be required to undergo further development of regional impact review, unless otherwise provided in the development order. As used in this subsection, the term:~~

~~1. "Areawide development plan" means a plan of development that, at a minimum:~~

~~a. Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;~~

~~b. Maps and defines the land uses proposed, including the amount of development by use and development phasing;~~

~~c. Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;~~

~~d. Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and~~

~~e. Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.~~

~~2. "Developer" means any person or association of persons, including a governmental agency as defined in s. 380.031(6), that petitions for authorization to file an application for development approval for an areawide development plan.~~

~~(b) A developer may petition for authorization to submit a proposed areawide development of regional impact for a defined planning area in accordance with the following requirements:~~

~~1. A petition shall be submitted to the local government, the regional planning agency, and the state land planning agency.~~

~~2. A public hearing or joint public hearing shall be held if required by paragraph (c), with appropriate notice, before~~

~~the affected local government.~~

~~3. The state land planning agency shall apply the following criteria for evaluating a petition:~~

~~a. Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.~~

~~b. Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. Any public interest determination under this criterion is preliminary and not binding on the state land planning agency, regional planning agency, or local government.~~

~~4. The state land planning agency shall develop and make available standard forms for petitions and applications for development approval for use under this subsection.~~

~~(c) Any person may submit a petition to a local government having jurisdiction over an area to be developed, requesting that government to approve that person as a developer, whether or not any or all development will be undertaken by that person, and to approve the area as appropriate for an areawide development of regional impact.~~

~~(d) A general purpose local government with jurisdiction over an area to be considered in an areawide development of regional impact shall not have to petition itself for authorization to prepare and consider an application for development approval for an areawide development plan. However, such a local government shall initiate the preparation of an application only:~~

~~1. After scheduling and conducting a public hearing as~~

~~specified in paragraph (c); and~~

~~2. After conducting such hearing, finding that the planning area meets the standards and criteria pursuant to subparagraph (b)3. for determining that an areawide development plan will be in the public interest.~~

~~(c) The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. In addition to the public hearing notice by the local government, the petitioner, except when the petitioner is a local government, shall provide actual notice to each person owning land within the proposed areawide development plan at least 30 days prior to the hearing. If the petitioner is a local government, or local governments pursuant to an interlocal agreement, notice of the public hearing shall be provided by the publication of an advertisement in a newspaper of general circulation that meets the requirements of this paragraph. The advertisement must be no less than one-quarter page in a standard size or tabloid size newspaper, and the headline in the advertisement must be in type no smaller than 18 point. The advertisement shall not be published in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement must appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement must be**

~~in substantially the form used to advertise amendments to comprehensive plans pursuant to s. 163.3184. The local government shall specifically notify in writing the regional planning agency and the state land planning agency at least 30 days prior to the public hearing. At the public hearing, all interested parties may testify and submit evidence regarding the petitioner's qualifications, the need for and benefits of an areawide development of regional impact, and such other issues relevant to a full consideration of the petition. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. Such hearing shall address, at a minimum, the need to resolve conflicting ordinances or comprehensive plans, if any. The local government holding the joint hearing shall comply with the following additional requirements:~~

~~1. The notice of the hearing shall be published at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.~~

~~2. The notice shall be given to the state land planning agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.~~

~~3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.~~

~~(f) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. It shall approve the petitioner as the developer if it finds that~~

~~the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, pursuant to subparagraph (b)3.~~

~~(g) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency within 30 days after the order becomes effective.~~

~~(h) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.~~

~~(i) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact for land within the defined planning area, pursuant to subsection (6). Development undertaken in conformance with an areawide development order issued under this section shall not require further development-of-regional-impact review.~~

~~(j) In reviewing an application for a proposed areawide development of regional impact, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:~~

~~1. Whether the developer has demonstrated its legal,~~

~~financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.~~

~~2. Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.~~

~~3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans, except as provided for in paragraph (k).~~

~~(k) In addition to the requirements of subsection (14), a development order approving, or approving with conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of development approved within each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive plan, except that a local government may amend its comprehensive plan pursuant to paragraph (6)(b).~~

~~(l) Any owner of property within the defined planning area may withdraw his or her consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, the areawide development order, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued, a landowner may withdraw his or her consent only with the approval of the local government.~~

~~(m) If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:~~

~~1. Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and~~

~~2. The option to withdraw consent does not apply, and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.~~

~~(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).~~

(11)~~(26)~~ ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

(a) There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in whose jurisdiction ~~in which~~ the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of

record, and provided that no such owner or developer objects in writing to the local government before ~~prior to~~ or at the public hearing pertaining to abandonment of the development of regional impact. ~~The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant with conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development order and adequately mitigates for the impacts of the development.~~ If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order may ~~shall~~ not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The local government must file ~~rules shall also provide a procedure for filing~~ notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Abandonment will be deemed to have occurred upon the recording of the notice. Any decision by a local government concerning the abandonment of a development of regional impact is ~~shall be~~ subject to an appeal pursuant to s. 380.07. The issues in any such appeal must ~~shall~~ be confined to whether the provisions of this subsection ~~or any rules promulgated thereunder~~ have been satisfied.

(b) If requested by the owner, developer, or local government, the development-of-regional-impact development order must be abandoned by the local government having jurisdiction

upon a showing that all required mitigation related to the amount of development which existed on the date of abandonment 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 ~~Upon receipt of written confirmation from the state land planning agency that any required mitigation applicable to completed development has occurred, an industrial development of regional impact located within the coastal high-hazard area of a rural area of opportunity which was approved before the adoption of the local government's comprehensive plan required under s. 163.3167 and which plan's future land use map and zoning designates the land use for the development of regional impact as commercial may be unilaterally abandoned without the need to proceed through the process described in paragraph (a) if the developer or owner provides a notice of abandonment to the local government and records such notice with the applicable clerk of court. Abandonment shall be deemed to have occurred upon the recording of the notice~~. All development following abandonment must ~~shall~~ be fully consistent with the current comprehensive plan and applicable zoning.

(c) A development order for abandonment of an approved development of regional impact may be amended by a local government pursuant to subsection (7), provided that the amendment does not reduce any mitigation previously required as a condition of abandonment, unless the developer demonstrates that changes to the development no longer will result in impacts that necessitated the mitigation.

~~(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of Economic Opportunity shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.~~

~~(28) PARTIAL STATUTORY EXEMPTIONS.~~

~~(a) If the binding agreement referenced under paragraph (24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development-of-regional-impact review for projects within the urban service boundary must address transportation impacts only.~~

~~(b) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.~~

~~(c) If the binding agreement for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.~~

~~(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (24)(l) or paragraph (24)(m) shall provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b) and (c). Following the notification of the state land planning agency, development-of-regional-impact review for projects within an urban service boundary under paragraph (24)(l), or a rural land stewardship area under paragraph (24)(m), must address transportation impacts only.~~

~~(e) The vesting provision of s. 163.3167(5) relating to an authorized development of regional impact does not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).~~

~~(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—~~

~~(a) The following are exempt from this section:~~

~~1. Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;~~

~~2. Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan;~~

~~3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or~~

~~4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.~~

~~The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria,~~

~~the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before June 2, 2011, shall remain on the list in accordance with the provisions of this paragraph.~~

~~(b) If a municipality that does not qualify as a dense urban land area pursuant to paragraph (a) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:~~

~~1. Urban infill as defined in s. 163.3164;~~

~~2. Community redevelopment areas as defined in s. 163.340;~~

~~3. Downtown revitalization areas as defined in s. 163.3164;~~

~~4. Urban infill and redevelopment under s. 163.2517; or~~

~~5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14), Florida Statutes (2010).~~

~~(c) If a county that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:~~

~~1. Urban infill as defined in s. 163.3164;~~

~~2. Urban infill and redevelopment under s. 163.2517; or~~

~~3. Urban service areas as defined in s. 163.3164.~~

~~(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.~~

~~(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2).~~

~~(f) Local governments must submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable development-of-regional-impact threshold and would require development-of-regional-impact review but for the exemption from the program under paragraphs (a)-(c). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.~~

~~(g) If a local government that qualifies as a dense urban~~

~~land area under this subsection is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.~~

~~(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.~~

~~(i) This subsection does not apply to areas:~~

~~1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;~~

~~2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or~~

~~3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).~~

(12)~~(30)~~ PROPOSED DEVELOPMENTS.—A proposed development that exceeds the statewide guidelines and standards specified in s. 380.0651 and is not otherwise exempt pursuant to s. 380.0651 must ~~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 3. Section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(1) This section only applies to developments approved as Florida Quality Developments before the effective date of this act ~~There is hereby created the Florida Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. It is further intended that the developer be provided, through a cooperative and coordinated effort, an expeditious and timely review by all agencies with jurisdiction over the project of his or her proposed development~~.

(2) Following written notification to the state land planning agency and the appropriate regional planning agency, a local government with an approved Florida Quality Development within its jurisdiction must set a public hearing pursuant to its local procedures and shall adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Development. Thereafter, the Florida Quality Development shall follow the procedures and requirements for developments of regional impact as specified in this chapter ~~Developments that may be designated as Florida Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development of regional impact review pursuant to s. 380.06~~.

~~(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements if applicable to the site of a qualified development:~~

~~1. Donate or enter into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of this requirement, the developer may enter into a binding commitment that runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for passive recreation that is consistent with the purposes for which the land was preserved.~~

~~a. Those wetlands and water bodies throughout the state which would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities if such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created if the redesign or alteration is done so as to produce a more naturally functioning system.~~

~~b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the~~

~~developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.~~

~~c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.~~

~~d. Areas known to be important to animal species designated as endangered or threatened by the United States Fish and Wildlife Service or by the Fish and Wildlife Conservation Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.~~

~~e. Areas known to contain plant species designated as endangered by the Department of Agriculture and Consumer Services.~~

~~2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency, the Department of Environmental Protection, or the Department of Agriculture and Consumer Services. This subparagraph does not apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.~~

~~3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.~~

~~4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as permitted pursuant to s. 403.813(1), and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic~~

~~preserves, as applicable.~~

~~5. Include open space, recreation areas, Florida-friendly landscaping as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.~~

~~6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts that the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, are available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved strategic regional policy plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.~~

~~7. Design and construct the development in a manner that is consistent with the adopted state plan, the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.~~

~~(b) In addition to the foregoing requirements, the developer shall plan and design his or her development in a manner which includes the needs of the people in this state as~~

~~identified in the state comprehensive plan and the quality of life of the people who will live and work in or near the development. The developer is encouraged to plan and design his or her development in an innovative manner. These planning and design features may include, but are not limited to, such things as affordable housing, care for the elderly, urban renewal or redevelopment, mass transit, the protection and preservation of wetlands outside the jurisdiction of the Department of Environmental Protection or of uplands as wildlife habitat, provision for the recycling of solid waste, provision for onsite child care, enhancement of emergency management capabilities, the preservation of areas known to be primary habitat for significant populations of species of special concern designated by the Fish and Wildlife Conservation Commission, or community economic development. These additional amenities will be considered in determining whether the development qualifies for designation under this program.~~

~~(4) The department shall adopt an application for development designation consistent with the intent of this section.~~

~~(5)(a) Before filing an application for development designation, the developer shall contact the Department of Economic Opportunity to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida~~

~~Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.~~

~~(b) The developer shall submit the application to the state land planning agency, the appropriate regional planning agency, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in s. 120.60, except that the 90-day time limit shall cease to run when the state land planning agency and the local government have notified the applicant of their decision on whether the development should be designated under this program.~~

~~(c) At any time prior to the issuance of the Florida Quality Development development order, the developer of a proposed Florida Quality Development shall have the right to withdraw the proposed project from consideration as a Florida Quality Development. The developer may elect to convert the proposed project to a proposed development of regional impact. The conversion shall be in the form of a letter to the reviewing entities stating the developer's intent to seek authorization for the development as a development of regional impact under s. 380.06. If a proposed Florida Quality Development converts to a development of regional impact, the developer shall resubmit the~~

~~appropriate application and the development shall be subject to all applicable procedures under s. 380.06, except that:~~

~~1. A preapplication conference held under paragraph (a) satisfies the preapplication procedures requirement under s. 380.06(7); and~~

~~2. If requested in the withdrawal letter, a finding of completeness of the application under paragraph (a) and s. 120.60 may be converted to a finding of sufficiency by the regional planning council if such a conversion is approved by the regional planning council.~~

~~The regional planning council shall have 30 days to notify the developer if the request for conversion of completeness to sufficiency is granted or denied. If granted and the application is found sufficient, the regional planning council shall notify the local government that a public hearing date may be set to consider the development for approval as a development of regional impact, and the development shall be subject to all applicable rules, standards, and procedures of s. 380.06. If the request for conversion of completeness to sufficiency is denied, the developer shall resubmit the appropriate application for review and the development shall be subject to all applicable procedures under s. 380.06, except as otherwise provided in this paragraph.~~

~~(d) If the local government and state land planning agency agree that the project should be designated under this program, the state land planning agency shall issue a development order which incorporates the plan of development as set out in the application along with any agreed-upon modifications and~~

~~conditions, based on recommendations by the local government and regional planning council, and a certification that the development is designated as one of Florida's Quality Developments. In the event of conflicting recommendations, the state land planning agency, after consultation with the local government and the regional planning agency, shall resolve such conflicts in the development order. Upon designation, the development, as approved, is exempt from development-of-regional-impact review pursuant to s. 380.06.~~

~~(c) If the local government or state land planning agency, or both, recommends against designation, the development shall undergo development of regional impact review pursuant to s. 380.06, except as provided in subsection (6) of this section.~~

~~(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the Secretary of Environmental Protection and a member designated by the secretary, the Secretary of Transportation, the executive director of the Fish and Wildlife Conservation Commission, the executive director of the appropriate water management district created pursuant to chapter 373, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development which is appealed to the board, the director of the Division of Historical Resources of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.~~

~~(b) The board shall meet once each quarter of the year. However, a meeting may be waived if no appeals are pending.~~

~~(c) On appeal, the sole issue shall be whether the development meets the statutory criteria for designation under this program. An affirmative vote of at least five members of the board, including the affirmative vote of the chief executive officer of the appropriate local government, shall be necessary to designate the development by the board.~~

~~(d) The state land planning agency shall adopt procedural rules for consideration of appeals under this subsection.~~

~~(7)(a) The development order issued pursuant to this section is enforceable in the same manner as a development order issued pursuant to s. 380.06.~~

~~(b) Appeal of a development order issued pursuant to this section shall be available only pursuant to s. 380.07.~~

~~(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.~~

~~(b) The department shall adopt, by rule, standards and procedures necessary to implement the Florida Quality Developments program. The rules must include, but need not be limited to, provisions governing annual reports and criteria for determining whether a proposed change to an approved Florida Quality Development is a substantial change requiring further review.~~

Section 4. Section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines, ~~and~~ standards, and exemptions.—

(1) STATEWIDE GUIDELINES AND STANDARDS.—~~The statewide guidelines and standards for developments required to undergo development-of-regional-impact review provided in this section supersede the statewide guidelines and standards previously adopted by the Administration Commission that address the same development. Other standards and guidelines previously adopted by the Administration Commission, including the residential standards and guidelines, shall not be superseded. The guidelines and standards shall be applied in the manner described in s. 380.06(2)(a).~~

~~(2) The Administration Commission shall publish the statewide guidelines and standards established in this section in its administrative rule in place of the guidelines and standards that are superseded by this act, without the proceedings required by s. 120.54 and notwithstanding the provisions of s. 120.545(1)(c). The Administration Commission shall initiate rulemaking proceedings pursuant to s. 120.54 to make all other technical revisions necessary to conform the rules to this act. Rule amendments made pursuant to this subsection shall not be subject to the requirement for legislative approval pursuant to s. 380.06(2).~~

~~(3)~~ Subject to the exemptions and partial exemptions specified in this section, the following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments are

subject to the requirements of s. 380.06 ~~shall be required to undergo development-of-regional-impact review~~:

(a) *Airports.*—

1. Any of the following airport construction projects is ~~shall be~~ a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport is ~~shall~~ not ~~be~~ a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) *Attractions and recreation facilities.*—Any sports, entertainment, amusement, or recreation facility, including, but

not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

1. For single performance facilities:

a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

a. Provides parking spaces for more than 1,000 cars; or

b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

(c) *Office development.*—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

(d) *Retail and service development.*—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or

2. Provides parking spaces for more than 2,500 cars.

(e) *Recreational vehicle development.*—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(f) *Multiuse development.*—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(g) *Residential development.*—A rule may not be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 miles or less of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold may not be controlling on any development wholly located within areas designated as rural

areas of opportunity.

(h) *Workforce housing.*—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(i) *Schools.*—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent

students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(2) STATUTORY EXEMPTIONS.—The following developments are exempt from s. 380.06:

(a) Any proposed hospital.

(b) Any proposed electrical transmission line or electrical power plant.

(c) Any proposed addition to an existing sports facility complex if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility;

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility; and

3. The sports facility complex property was owned by a public body before July 1, 1983.

This exemption does not apply to any pari-mutuel facility as defined in s. 550.002.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university, if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before July 1, 1973, if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and does not exceed a total of 10 percent in any 5-year period. The sports facility must notify the appropriate local government within which the facility is located of the increase at least 6 months before the initial use of the increased seating in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan must be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity

on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction over the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer, and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the state land planning agency a copy of the local government application for a development permit. Within 45 days after receipt of the application, the state land planning agency shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the state land planning agency's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the state land planning agency. The owner, developer, or state land planning agency may appeal the local government development order pursuant to s. 380.07 within 45 days after the order is rendered. The scope of review shall be

limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions that were exempt under this paragraph must be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of the ports specified in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) when such expansions, projects, or facilities are consistent with port master plans and are in compliance with s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility.

(j) Any renovation or redevelopment within the same parcel as the existing development if such renovation or redevelopment does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities.

(l) Any proposed development within an urban service area boundary established under s. 163.3177(14), Florida Statutes 2010, that is not otherwise exempt pursuant to subsection (3),if the local government having jurisdiction over the area where the development is proposed has adopted the urban service area boundary and has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and

regional transportation facilities.

(m) Any proposed development within a rural land stewardship area created under s. 163.3248.

(n) The establishment, relocation, or expansion of any military installation as specified in s. 163.3175.

(o) Any self-storage warehousing that does not allow retail or other services.

(p) Any proposed nursing home or assisted living facility.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(b)4.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30.

(s) Any development in a detailed specific area plan prepared and adopted pursuant to s. 163.3245.

(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine. A mine owner must, however, enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights are not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which are governed by s. 380.115(2). Notwithstanding this requirement, pursuant to s. 380.115(1), a previously approved solid mineral mine development-of-regional impact development order continues to

have vested rights and continues to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines are applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provision in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of regional-impact review under the revised thresholds specified in s. 380.06(2)(b) and this section.

(v) Any development within a county that has a research and education authority created by special act and which is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159.

(w) Any development in an energy economic zone designated pursuant to s. 377.809 upon approval by its local governing body.

If a use is exempt from review pursuant to paragraphs (a)-(u), but will be part of a larger project that is subject to review pursuant to s. 380.06(12), the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development that includes a landowner, tenant, or user that has entered into a funding agreement with the state land planning agency under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

(3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.

(a) The following are exempt from the requirements of s. 380.06:

1. Any proposed development in a municipality having an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

2. Any proposed development within a county, including the municipalities located therein, having an average of at least 1,000 people per square mile of land area and the development is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan as defined in s. 163.3164;

3. Any proposed development within a county, including the municipalities located therein, having a population of at least 900,000 and an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; and

4. Any proposed development within a county, including the municipalities located therein, having a population of at least 1 million and the development is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and

the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency must maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until the municipality as a whole meets the criteria. Any county that meets the criteria must remain on the list. Any jurisdiction that was placed on the dense urban land area list before June 2, 2011, must remain on the list.

(b) If a municipality that does not qualify as a dense urban land area pursuant to paragraph (a) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from s. 380.06 unless otherwise required by part II of chapter 163:

1. Urban infill as defined in s. 163.3164;

2. Community redevelopment areas as defined in s. 163.340;

3. Downtown revitalization areas as defined in s. 163.3164;

4. Urban infill and redevelopment under s. 163.2517; or

5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service area boundary pursuant to s. 163.3177(14), Florida Statutes 2010.

(c) If a county that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;

2. Urban infill and redevelopment pursuant to s. 163.2517; or

3. Urban service areas as defined in s. 163.3164.

(d) If any portion of a development is located in an area that is not exempt from review under s. 380.06, the development must undergo review pursuant to that section.

(e) In an area that is exempt under paragraphs (a), (b), and (c), any previously approved development-of-regional-impact development orders shall continue to be effective. However, the developer has the option to be governed by s. 380.115(1).

(f) If a local government qualifies as a dense urban land area under this subsection and is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development shall maintain the exemption if the developer is continuing the application process in good faith or the development is

approved.

(g) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(h) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as defined in s. 373.4592.

(4) PARTIAL STATUTORY EXEMPTIONS.—

(a) If the binding agreement referenced under paragraph (2)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service area boundary, the review pursuant to s. 380.06(12) for projects within the urban service area boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (2)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the review pursuant to s. 380.06(12) for projects within the rural land stewardship area must address transportation impacts only.

(c) If the binding agreement for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the review pursuant to s. 380.06(12) for projects within the urban infill and redevelopment area must address

transportation impacts only.

(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (2)(l) or paragraph (2)(m) must provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b), and (c). Following the notification of the state land planning agency, a review pursuant to s. 380.06(12) for projects within an urban service area boundary under paragraph (2)(l), or a rural land stewardship area under paragraph (2)(m), must address transportation impacts only.

(e) The vesting provision of s. 163.3167(5) relating to an authorized development of regional impact does not apply to those projects partially exempt from s. 380.06 under paragraphs (a)-(d) of this subsection.

~~(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.~~

~~(a) The criteria of three of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:~~

~~1.a. The same person has retained or shared control of the developments;~~

~~b. The same person has ownership or a significant legal or equitable interest in the developments; or~~

~~c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.~~

~~2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.~~

~~3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.~~

~~4. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.~~

~~(b) The following activities or circumstances shall not be considered in determining whether to aggregate two or more developments:~~

~~1. Activities undertaken leading to the adoption or amendment of any comprehensive plan element described in part II of chapter 163.~~

~~2. The sale of unimproved parcels of land, where the seller does not retain significant control of the future development of the parcels.~~

~~3. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.~~

~~4. Drainage improvements that are not designed to accommodate the types of development listed in the guidelines and standards contained in or adopted pursuant to this chapter or which are not designed specifically to accommodate the developments sought to be aggregated.~~

~~(c) Aggregation is not applicable when the following circumstances and provisions of this chapter apply:~~

~~1. Developments that are otherwise subject to aggregation with a development of regional impact which has received approval through the issuance of a final development order may not be aggregated with the approved development of regional impact. However, this subparagraph does not 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 before September 1, 1988, and could not have been required to be aggregated under the law existing before that date.~~

~~5. Any development that qualifies for an exemption under s. 380.06(29).~~

~~6. Newly acquired lands intended for development in coordination with a developed and existing development of regional impact 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 an existing development of regional impact development order.~~

~~(d) The provisions of this subsection shall be applied prospectively from September 1, 1988. Written decisions, agreements, and binding letters of interpretation made or issued by the state land planning agency prior to July 1, 1988, shall not be affected by this subsection.~~

~~(e) In order to encourage developers to design, finance, donate, or build infrastructure, public facilities, or services, the state land planning agency may enter into binding agreements with two or more developers providing that the joint planning, sharing, or use of specified public infrastructure, facilities, or services by the developers shall not be considered in any subsequent determination of whether a unified plan of development exists for their developments. Such binding agreements may authorize the developers to pool impact fees or impact fee credits, or to enter into front-end agreements, or other financing arrangements by which they collectively agree to~~

~~design, finance, donate, or build such public infrastructure, facilities, or services. Such agreements shall be conditioned upon a subsequent determination by the appropriate local government of consistency with the approved local government comprehensive plan and land development regulations. Additionally, the developers must demonstrate that the provision and sharing of public infrastructure, facilities, or services is in the public interest and not merely for the benefit of the developments which are the subject of the agreement. Developments that are the subject of an agreement pursuant to this paragraph shall be aggregated if the state land planning agency determines that sufficient aggregation factors are present to require aggregation without considering the design features, financial arrangements, donations, or construction that are specified in and required by the agreement.~~

~~(f) The state land planning agency has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection.~~

Section 5. Section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(1) There is hereby created the Florida Land and Water Adjudicatory Commission, which shall consist of the Administration Commission. The commission may adopt rules necessary to ensure compliance with the area of critical state concern program ~~and the requirements for developments of regional impact as set forth in this chapter~~.

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to the

abandonment of any approved development of regional impact, copies of such orders as prescribed by rule by the state land planning agency shall be transmitted to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order. The state land planning agency shall adopt rules describing development order rendition and effectiveness in designated areas of critical state concern. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the development order is not consistent with ~~the provisions of~~ this part. ~~The appropriate regional planning agency by vote at a regularly scheduled meeting may recommend that the state land planning agency undertake an appeal of a development-of-regional-impact development order. Upon the request of an appropriate regional planning council, affected local government, or any citizen, the state land planning agency shall consider whether to appeal the order and shall respond to the request within the 45-day appeal period.~~

(3) Notwithstanding any other provision of law, an appeal of a development order in an area of critical state concern by the state land planning agency under this section may include consistency of the development order with the local comprehensive plan. ~~However, if a development order relating to a development of regional impact has been challenged in a proceeding under s. 163.3215 and a party to the proceeding serves notice to the state land planning agency of the pending proceeding under s. 163.3215, the state land planning agency~~

~~shall:~~

~~(a) Raise its consistency issues by intervening as a full party in the pending proceeding under s. 163.3215 within 30 days after service of the notice; and~~

~~(b) Dismiss the consistency issues from the development order appeal.~~

(4) ~~The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after the completion of the appeal process.~~

~~(5) The 45-day appeal period for a development of regional impact within the jurisdiction of more than one local government shall not commence until after all the local governments having jurisdiction over the proposed development of regional impact have rendered their development orders.~~ The appellant shall furnish a copy of the notice of appeal to the opposing party, as the case may be, and to the local government that ~~which~~ issued the order. The filing of the notice of appeal stays ~~shall stay~~ the effectiveness of the order until after the completion of the appeal process.

(5) ~~(6)~~ Before ~~Prior to~~ issuing an order, the Florida Land and Water Adjudicatory Commission shall hold a hearing pursuant to ~~the provisions of~~ chapter 120. The commission shall encourage the submission of appeals on the record made pursuant to subsection (7) ~~below~~ in cases in which the development order was issued after a full and complete hearing before the local government or an agency thereof.

(6) ~~(7)~~ The Florida Land and Water Adjudicatory Commission

shall issue a decision granting or denying permission to develop pursuant to the standards of this chapter and may attach conditions and restrictions to its decisions.

(7) ~~(8)~~ If an appeal is filed with respect to any issues within the scope of a permitting program authorized by chapter 161, chapter 373, or chapter 403 and for which a permit or conceptual review approval has been obtained before ~~prior to~~ the issuance of a development order, any such issue shall be specifically identified in the notice of appeal which is filed pursuant to this section, together with other issues that ~~which~~ constitute grounds for the appeal. The appeal may proceed with respect to issues within the scope of permitting programs for which a permit or conceptual review approval has been obtained before ~~prior to~~ the issuance of a development order only after the commission determines by majority vote at a regularly scheduled commission meeting that statewide or regional interests may be adversely affected by the development. In making this determination, there is ~~shall be~~ a rebuttable presumption that statewide and regional interests relating to issues within the scope of the permitting programs for which a permit or conceptual approval has been obtained are not adversely affected.

Section 6. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in statewide 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 but is no longer required to undergo development-of-regional-impact review by operation of law may elect ~~a change in the guidelines and standards, a development that has reduced its size below the thresholds as specified in s. 380.0651, a development that is exempt pursuant to s. 380.06(24) or (29), or a development that elects~~ to rescind the development order pursuant to ~~are governed by~~ the following procedures:

(1) ~~(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 subsection (2) ~~paragraph (b)~~. Any proposed changes to developments which continue to be governed by a development-of-regional-impact development order must be approved pursuant to s. 380.06(7) ~~s. 380.06(19) as it existed before a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria are doubled and all other criteria are increased by 10 percent~~. The local government issuing the development order must monitor the development and enforce the development order. Local governments may not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order. The development-of-regional-impact development order may be enforced ~~by the local government~~ as provided in s. 380.11 ~~ss. 380.06(17) and 380.11~~.

(2) ~~(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), if such permit or authorization is subject to enforcement through administrative or judicial remedies.

~~(2) A development with an application for development approval pending, pursuant to s. 380.06, on the effective date of a change to the guidelines and standards, or a notification of proposed change pending on the effective date of a change to the guidelines and standards, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).~~

~~(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of a sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.~~

Section 7. Paragraph (c) of subsection (1) of section 125.68, Florida Statutes, is amended to read:

125.68 Codification of ordinances; exceptions; public record.—

(1)

(c) The following ordinances are exempt from codification and annual publication requirements:

1. Any development agreement, or amendment to such agreement, adopted by ordinance pursuant to ss. 163.3220-163.3243.

2. Any development order, or amendment to such order, adopted by ordinance pursuant to s. 380.06(4) ~~s. 380.06(15)~~.

Section 8. Paragraph (e) of subsection (3), subsection (6), and subsection (12) of section 163.3245, Florida Statutes, are amended to read:

163.3245 Sector plans.—

(3) Sector planning encompasses two levels: adoption pursuant to s. 163.3184 of a long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more detailed specific area plans that implement the long-term master plan and within which s. 380.06 is waived.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term

master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an order approving a detailed specific area plan shall be conducted consistent with s. 380.07(5) ~~s. 380.07(6)~~. The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(6) An applicant who applied ~~Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply~~ for master development approval pursuant to s. 380.06 ~~s. 380.06(21)~~ for the entire planning area shall remain subject to the master development order ~~in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction,~~ unless the developer elects to rescind the development order pursuant to s. 380.115, the development order is abandoned pursuant to s. 380.06(11), or the local government

can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. ~~Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan.~~ Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(9) ~~s. 380.06(21)~~ may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

Section 9. Subsections (11), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(11) If the local government of an area described in subsection (10) does not request that the state land planning

agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area is ~~shall be~~ exempt from ~~review under~~ s. 380.06.

(12) A local government's certification shall be reviewed by the local government and the state land planning agency as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal, the state land planning agency must ~~shall~~ renew or revoke the certification. The local government's failure to timely adopt necessary amendments to update its comprehensive plan based on an evaluation and appraisal, which are found to be in compliance by the state land planning agency, is ~~shall be~~ cause for revoking the certification agreement. The state land planning agency's decision to renew or revoke is ~~shall be considered~~ agency action subject to challenge under s. 120.569.

(14) It is the intent of the Legislature to encourage the creation of connected-city corridors that facilitate the growth of high-technology industry and innovation through partnerships that support research, marketing, workforce, and entrepreneurship. It is the further intent of the Legislature to provide for a locally controlled, comprehensive plan amendment process for such projects that are designed to achieve a cleaner, healthier environment; limit urban sprawl by promoting diverse but interconnected communities; provide a range of intergenerational housing types; protect wildlife and natural areas; assure the efficient use of land and other resources;

create quality communities of a design that promotes alternative transportation networks and travel by multiple transportation modes; and enhance the prospects for the creation of jobs. The Legislature finds and declares that this state's connected-city corridors require a reduced level of state and regional oversight because of their high degree of urbanization and the planning capabilities and resources of the local government.

(a) Notwithstanding subsections (2), (4), (5), (6), and (7), Pasco County is named a pilot community and shall be considered certified for a period of 10 years for connected-city corridor plan amendments. The state land planning agency shall provide a written notice of certification to Pasco County by July 15, 2015, which shall be considered a final agency action subject to challenge under s. 120.569. The notice of certification must include:

1. The boundary of the connected-city corridor certification area; and

2. A requirement that Pasco County submit an annual or biennial monitoring report to the state land planning agency according to the schedule provided in the written notice. The monitoring report must, at a minimum, include the number of amendments to the comprehensive plan adopted by Pasco County, the number of plan amendments challenged by an affected person, and the disposition of such challenges.

(b) A plan amendment adopted under this subsection may be based upon a planning period longer than the generally applicable planning period of the Pasco County local comprehensive plan, must specify the projected population within the planning area during the chosen planning period, may include

a phasing or staging schedule that allocates a portion of Pasco County's future growth to the planning area through the planning period, and may designate a priority zone or subarea within the connected-city corridor for initial implementation of the plan. A plan amendment adopted under this subsection is not required to demonstrate need based upon projected population growth or on any other basis.

(c) If Pasco County adopts a long-term transportation network plan and financial feasibility plan, and subject to compliance with the requirements of such a plan, the projects within the connected-city corridor are deemed to have satisfied all concurrency and other state agency or local government transportation mitigation requirements except for site-specific access management requirements.

(d) If Pasco County does not request that the state land planning agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area is exempt from ~~review under~~ s. 380.06.

(e) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2024, a report and recommendations for implementing a statewide program that addresses the legislative findings in this subsection. In consultation with the state land planning agency, OPPAGA shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. OPPAGA shall also solicit citizen input in the

potentially affected areas and consult with the affected local government and stakeholder groups. Additionally, OPPAGA shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations must include:

1. Identification of local governments other than the local government participating in the pilot program which should be certified. The report may also recommend that a local government is no longer appropriate for certification; and

2. Changes to the certification pilot program.

Section 10. Subsection (4) of section 189.08, Florida Statutes, is amended to read:

189.08 Special district public facilities report.—

(4) Those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06 may use the most recent local government ~~annual~~ report required by s. 380.06(6) ~~s. 380.06(15) and (18)~~ and submitted by the developer, to the extent the annual report provides the information required by subsection (2).

Section 11. Subsection (2) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~ shall be pursuant to

an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission may ~~shall~~ not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in

action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~, the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

Section 12. Paragraph (g) of subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included

therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 ~~or s. 380.061~~ approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

Section 13. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c) ~~pursuant to s. 380.06(19)(c)~~.

Section 14. Subsection (4) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(4) "Development of regional impact" means a development that ~~which~~ is subject to ~~the review procedures established by~~ s. 380.06 ~~or s. 380.065, and s. 380.07~~.

Section 15. Subsection (1) of section 369.307, Florida Statutes, is amended to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(1) Notwithstanding s. 380.06(4) ~~the provisions of s. 380.06(15)~~, the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

Section 16. Subsection (8) of section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits; compliance reports.—

(8) A water management district may issue a permit to an applicant, as set forth in s. 163.3245(13), for the same period

of time as the applicant's approved master development order if the master development order was issued under s. 380.06(9) ~~s. 380.06(21)~~ by a county which, at the time the order was issued, was designated as a rural area of opportunity under s. 288.0656, was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), and was not located within the basin management action plan of a first magnitude spring. In reviewing the permit application and determining the permit duration, the water management district shall apply s. 163.3245(4)(b).

Section 17. Subsection (13) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(13) Any declaratory statement issued by the department under s. 403.914, 1984 Supplement to the Florida Statutes 1983, as amended, or pursuant to rules adopted thereunder, or by a water management district under s. 373.421, in response to a petition filed on or before June 1, 1994, shall continue to be valid for the duration of such declaratory statement. Any such petition pending on June 1, 1994, shall be exempt from the methodology ratified in s. 373.4211, but the rules of the department or the relevant water management district, as applicable, in effect prior to the effective date of s. 373.4211, shall apply. Until May 1, 1998, activities within the boundaries of an area subject to a petition pending on June 1, 1994, and prior to final agency action on such petition, shall be reviewed under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as

amended, and this part, in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9). In the event that a jurisdictional declaratory statement pursuant to the vegetative index in effect prior to the effective date of chapter 84-79, Laws of Florida, has been obtained and is valid prior to the effective date of the rules adopted under subsection (9) or July 1, 1994, whichever is later, and the affected lands are part of a project for which a master development order has been issued pursuant to s. 380.06(9) ~~s. 380.06(21)~~, the declaratory statement shall remain valid for the duration of the buildout period of the project. Any jurisdictional determination validated by the department pursuant to rule 17-301.400(8), Florida Administrative Code, as it existed in rule 17-4.022, Florida Administrative Code, on April 1, 1985, shall remain in effect for a period of 5 years following the effective date of this act if proof of such validation is submitted to the department prior to January 1, 1995. In the event that a jurisdictional determination has been revalidated by the department pursuant to this subsection and the affected lands are part of a project for which a development order has been issued pursuant to s. 380.06(4) ~~s. 380.06(15)~~, a final development order to which s. 163.3167(5) applies has been issued, or a vested rights determination has been issued pursuant to s. 380.06(8) ~~s. 380.06(20)~~, the jurisdictional determination shall remain valid until the completion of the project, provided proof of such validation and documentation establishing that the project meets the requirements of this

sentence are submitted to the department prior to January 1, 1995. Activities proposed within the boundaries of a valid declaratory statement issued pursuant to a petition submitted to either the department or the relevant water management district on or before June 1, 1994, or a revalidated jurisdictional determination, prior to its expiration shall continue thereafter to be exempt from the methodology ratified in s. 373.4211 and to be reviewed under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, and this part, in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9).

Section 18. Subsection (5) of section 378.601, Florida Statutes, is amended to read:

378.601 Heavy minerals.—

(5) Any heavy mineral mining operation which annually mines less than 500 acres and whose proposed consumption of water is 3 million gallons per day or less may ~~shall~~ not be subject ~~required to undergo development of regional impact review pursuant~~ to s. 380.06, provided permits and plan approvals pursuant to either this section and part IV of chapter 373, or s. 378.901, are issued.

Section 19. Section 380.065, Florida Statutes, is repealed.

Section 20. Paragraph (a) of subsection (2) of section 380.11, Florida Statutes, is amended to read:

380.11 Enforcement; procedures; remedies.—

(2) ADMINISTRATIVE REMEDIES.—

(a) If the state land planning agency has reason to believe

a violation of this part or any rule, development order, or other order issued hereunder or of any agreement entered into under s. 380.032(3) ~~or s. 380.06(8)~~ has occurred or is about to occur, it may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activity creating the violation.

Section 21. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability; certification; exemptions.—

(2) Except as provided in subsection (1), construction of a transmission line may not be undertaken without first obtaining certification under this act, but this act does not apply to:

(b) Transmission lines that have been exempted by a binding letter of interpretation issued under s. 380.06(3) ~~s. 380.06(4)~~, or in which the Department of Economic Opportunity or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(8) ~~s. 380.06(20)~~.

Section 22. (1) The rules adopted by the state land planning agency to ensure uniform review of developments of regional impact by the state land planning agency and regional planning agencies and codified in chapter 73C-40, Florida Administrative Code, are repealed.

(2) The rules adopted by the Administration Commission, as defined in s. 380.031, Florida Statutes, regarding whether two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under chapter 380, Florida Statutes, are repealed.

Section 23. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" where it occurs in this act with the date this act takes effect.

Section 24. This act shall take effect upon becoming a law.

The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: January 23, 2018

I respectfully request that **Senate Bill #1244**, relating to **Developments of Regional Impact**, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Tom Lee
Florida Senate, District 20

File signed original with committee office

S-020 (03/2004)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/8/18
Meeting Date

1244
Bill Number (if applicable)

Topic Developments of Regional Impact

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St. Suite 300
Street

Phone 222-7500

Tallahassee FL 32301
City *State* *Zip*

Email gary h@hgslaw.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Association of Florida Community Developers

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	SB 1248
INTRODUCER:	Senator Gainer
SUBJECT:	Specialty License Plates/Coastal Conservation Association
DATE:	January 18,2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	**Favorable**
2.	Wells	Hrdlicka	ATD	**Recommend: Favorable**
3.			AP	

I. Summary:

SB 1248 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Coastal Conservation Association specialty license plate, establishes a $25 annual use fee for the plate, and provides for the distribution and use of fees collected from the sale of the plate.

The DHSMV estimates programming and implementation costs for creation of the plate is $7,680. The DHSMV may retain revenues from the first proceeds of sales to defray departmental costs.

The bill takes effect October 1, 2018.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.[1] Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from $15 to $25, paid in addition to required license taxes and service fees.[2] The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.[3]

In order to establish a specialty license plate and after the plate is approved by law, s. 20.08053, F.S., requires the following actions within certain timelines:

[1] A list of Florida's specialty license plates is available on the DHSMV website at http://www.flhsmv.gov/dmv/specialtytags/ (last visited Dec. 13, 2017).
[2] Section 320.08056, F.S.
[3] Section 320.08058, F.S.

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.[4]

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.[5] Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.[6]

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.[7]

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.[8] In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.[9]

Coastal Conservation Association Florida

The Coastal Conservation Association (CCA) is a non-profit organization whose objective is to conserve, promote, and enhance the present and future availability of coastal resources for the benefit and enjoyment of the public by advising and educating the public on conservation of

[4] Section 320.08053(2)(b), F.S.
[5] Section 320.08056(10)(a), F.S.
[6] Section 320.08062, F.S.
[7] Section 320.08056(7), F.S.
[8] Section 320.08056(8)(a), F.S.
[9] Section 320.08056(8)(b), F.S.

marine resources.[10] The CCA was founded in 1977, in order to combat commercial overfishing along the Texas coast.[11] The CCA Florida is one of 17 state chapters of the CCA and is comprised of 30 local chapters spanning from Pensacola to Key West.[12] The CCA Florida supports resource-based law enforcement, access to recreational fishing, and fishery regulations to protect state and federal fish stocks.[13]

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a Coastal Conservation Association specialty license plate, with an annual use fee of $25 to be distributed to the CCA Florida. Proceeds from the plate are to be used as follows:

- Up to 10 percent for administrative costs;
- Up to 10 percent to promote and market the plate; and
- The remainder to support the mission and efforts of the CCA Florida:
  - For habitat enhancement and restoration, saltwater fisheries conservation, and education;
  - To advise the public on the conservation of marine resources; and
  - To promote and enhance the availability of coastal resources for the public.

The plate must bear the colors and design approved by the DHSMV, with the word "Florida" at the top of the plate, and the words "Conserve Florida's Fisheries" at the bottom of the plate.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[10] CCA, *About CCA*, available at http://www.joincca.org/about (last visited Jan. 30, 2018).
[11] *Id.*
[12] See CCA Florida, available at https://ccaflorida.org/ (last visited Jan. 30, 2018).
[13] *Id.*

B. Private Sector Impact:

Individuals who choose to purchase a Coastal Conservation Association specialty license plate will pay a $25 annual use fee in addition to appropriate license taxes and fees. The Coastal Conservation Association will receive revenue from each plate purchased.

C. Government Sector Impact:

The DHSMV estimates programming and implementation costs for creation of the plate is $7,680.[14] The DHSMV may retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.[15]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

[14] *See* DHSMV, *2018 Agency Legislative Bill Analysis: SB 1248* (Jan. 12, 2018) (on file with the Senate Committee on Transportation).
[15] Section 320.08056(7), F.S.

By Senator Gainer

16-00725-18 20181248__

A bill to be entitled

An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Coastal Conservation Association license plate; establishing an annual use fee for the plate; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (ffff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ffff) Coastal Conservation Association license plate, $25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Coastal Conservation Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserve Florida's Fisheries" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be

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distributed to Coastal Conservation Association Florida, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 10 percent of the proceeds may be used for administrative costs.

2. Up to 10 percent of the proceeds may be used to promote and market the plate.

3. The remainder of the proceeds shall be used to support the mission and efforts of Coastal Conservation Association Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

Section 3. This act shall take effect October 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Transportation, *Chair*
Commerce and Tourism, *Vice Chair*
Appropriations
Appropriations Subcommittee on General Government
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Banking and Insurance
Military and Veterans Affairs, Space, and Domestic Security

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR GEORGE B. GAINER
2nd District

January 18, 2018

Re: SB 1248

Dear Chair Simpson,

I am respectfully requesting Senate Bill 1248, Coastal Conservation Specialty Plate, be placed on the agenda for the next Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

Senator George Gainer
District 2

Cc. Jennifer Hrdlicka, Tempie Sailors

REPLY TO:
❒ 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
❒ Northwest Florida State College, 100 East College Boulevard, Building 330, Room 105 and 112, Niceville, Florida 32578 (850) 803-8395
❒ 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: *www.flsenate.gov*

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-8-18
Meeting Date

1248
Bill Number (if applicable)

Topic CCA TAG

Amendment Barcode (if applicable)

Name Jim Williams

Job Title Volunteer

Address 2126 NE Seawalls Landing Way
Street

Jensen Beach FL
City *State* *Zip*

Phone 561 722 4987

Email jwilliams

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: EL 110 **Case No.:** **Type:**
Caption: Appropriations Subcommittee on Transportation, Tourism, and Economic Development **Judge:**

Started: 2/8/2018 10:03:08 AM
Ends: 2/8/2018 10:47:09 AM Length: 00:44:02

10:03:25 AM Sen. Simpson (Chair)
10:04:12 AM TAB 6 - S 1012
10:04:18 AM Sen. Passidomo
10:05:34 AM Sen. Simpson
10:05:42 AM Am. 386920
10:05:49 AM Sen. Passidomo
10:06:14 AM Gary Bradford, Government Relations, Florida Police Benevolent Association (waives in support)
10:06:22 AM Sen. Simpson
10:06:25 AM Favorable
10:06:29 AM Am. 321764
10:06:33 AM Sen. Passidomo
10:06:55 AM Sen. Simpson
10:06:59 AM Favorable
10:07:02 AM S 1012 (cont.)
10:07:47 AM Kingman Schuldt, Fire Chief, Greater Naples Fire Rescue District
10:09:19 AM Tabatha Butcher, Chief, Collier County Emergency Managment Services (waives in support)
10:09:24 AM Sen. Simpson
10:09:30 AM Favorable
10:10:07 AM TAB 2 - S 382
10:10:25 AM Am. 863526
10:10:31 AM Sen. Book
10:12:10 AM Sen. Simpson
10:12:15 AM Favorable
10:12:28 AM S 382 (cont.)
10:12:31 AM David Folsom, Chief of Staff, Leon County Sheriffs Office (waives in support)
10:12:44 AM Sen. Simpson
10:12:50 AM Favorable
10:13:36 AM TAB 7 - S 1244
10:13:43 AM Sen. Lee
10:16:09 AM Sen. Powell
10:16:28 AM Sen. Lee
10:18:02 AM Sen. Powell
10:18:40 AM Sen. Lee
10:19:19 AM Sen. Thurston
10:19:53 AM Sen. Lee
10:21:12 AM Sen. Thurston
10:21:14 AM Sen. Lee
10:21:55 AM Sen. Thurston
10:22:20 AM Sen. Lee
10:22:58 AM Sen. Powell
10:23:17 AM Sen. Lee
10:23:37 AM Sen. Gainer
10:23:53 AM Sen. Lee
10:24:01 AM Sen. Gainer
10:24:03 AM Sen. Lee
10:25:36 AM Sen. Simpson
10:25:44 AM Am. 969798
10:25:50 AM Sen. Lee
10:26:30 AM Am. 857214
10:26:34 AM Sen. Lee
10:27:12 AM Sen. Powell
10:28:03 AM Sen. Lee

10:29:20 AM Sen. Powell
10:29:24 AM Sen. Gainer
10:29:44 AM Sen. Lee
10:29:50 AM Favorable
10:30:38 AM S 1244 (cont.)
10:32:14 AM Gary Hunter, Attorney, Association of Florida Community Developers
10:33:44 AM Sen. Simpson
10:33:57 AM Sen. Lee
10:34:00 AM Sen. Gainer
10:34:03 AM Sen. Simpson
10:34:20 AM Favorable
10:34:55 AM TAB 3 - S 504
10:34:59 AM Sen. Perry
10:35:23 AM Sen. Simpson
10:35:28 AM Sen. Benaquisto
10:35:46 AM Sen. Perry
10:36:47 AM Sen. Benaquisto
10:37:10 AM Sen. Simpson
10:37:14 AM James Harold Thompson, Lobbyist (waives in support)
10:37:27 AM Sen. Gibson
10:38:06 AM Sen. Simpson
10:38:10 AM Sen. Perry
10:38:21 AM Sen. Simpson
10:38:51 AM Sen. Rader
10:38:59 AM Sen. Gainer
10:39:10 AM Sen. Powell
10:39:15 AM Favorable
10:39:25 AM TAB 5 - S 752
10:39:29 AM Sen. Mayfield
10:40:36 AM Sen. Simpson
10:40:45 AM Favorable
10:41:34 AM TAB 1 - Appointment of Mike Dew, Secretary of Transportation
10:42:24 AM Sen. Simpson
10:42:30 AM Favorable
10:43:18 AM TAB 4 - S 632
10:43:24 AM Sen. Powell
10:44:20 AM Sen. Simpson
10:44:30 AM Favorable
10:45:00 AM TAB 8 - S 1248
10:45:03 AM Sen. Gainer
10:46:03 AM Jim Williams, Volunteer (waives in support)
10:46:16 AM Sen. Simpson
10:46:25 AM Favorable
10:46:48 AM Sen. Bradley
10:47:02 AM Adjourned