Tab 1	SB 10	D26 by Book (C	D-INTRODUCERS) Steube, Fa	armer; (Identical to H 00729) Text-to	-911 Service
	1				
Tab 2	SB 8	58 by Steube (C	O-INTRODUCERS) Mayfield,	Taddeo; Daylight Saving Time	
502402	Α	S	CA, Steube	Delete everything after	01/22 03:47 PM
Tab 3	SB 72	20 by Young (C	D-INTRODUCERS) Campbell	; (Identical to H 00449) Children's Init	iatives
Tab 4	CS/S	B 876 by RI, Be	an; (Similar to CS/H 00539) Ala	rm Verification	
Tab 5	SB 13	348 by Perry ; (I	dentical to CS/H 00883) Commu	nity Development Districts	
	1				
Tab 6	SB 12	244 by Lee ; (Ide	ntical to H 01151) Development	s of Regional Impact	
926510	A	S	CA, Lee	btw L.210 - 211:	01/22 03:48 PM
639678	Α	S	CA, Lee	Delete L.3038 - 3187:	01/22 03:48 PM
829228	Α	S	CA, Bean	Delete L.3599 - 3629:	01/22 03:47 PM
776810	Α	S L	CA, Simmons	Delete L.3207:	01/23 01:51 PM
Tab 7	SB 1	532 by Mayfield	: (Similar to H 00963) Towing a	nd Immobilization Fees and Charges	

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The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS Senator Lee, Chair Senator Bean, Vice Chair

	MEETING DATE: TIME: PLACE: MEMBERS:	Tuesday, Ja 3:30—5:30 301 Senate Senator Lee Simmons	p.m. Office B		pbell, Perry, Rodriguez, and
TAB	BILL NO. and INTR	ODUCER		BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1026 Book (Identical H 729)		plan fo a syste	o-911 Service; Requiring counties to develop a or implementing a text-to-911 system and have em to receive E911 text messages by a ed date, etc. 01/23/2018	
2	SB 858 Steube		and its requirir	ht Saving Time; Exempting the State of Florida political subdivisions from daylight saving time; ng that the state and all of its political isions observe standard time, etc. 01/23/2018	
3	SB 720 Young (Identical H 449)		Springs within t the Ove City of project that are	en's Initiatives; Creating the Tampa Sulphur s Neighborhood of Promise Success Zone the City of Tampa in Hillsborough County and rertown Children and Youth Coalition within the Miami in Miami-Dade County; providing for the ts to be managed by not-for-profit corporations e not subject to control, supervision, or on by any department of the state, etc. 01/09/2018 Favorable 01/23/2018	
4	CS/SB 876 Regulated Industries / (Similar CS/H 539)	Bean	verifica alarm r comme	Verification ; Revising requirements for alarm ation to include additional methods by which an monitoring company may verify a residential or ercial intrusion/burglary alarm signal and to e that two attempts be made to verify an alarm etc. 01/10/2018 Fav/CS 01/23/2018	

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 23, 2018, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1348 Perry (Identical CS/H 883)	Community Development Districts; Authorizing adjacent lands located within the county or municipality which a petitioner anticipates adding to the boundaries of a new community development district to also be identified in a petition to establish the new district under certain circumstances; providing that the amendment of a district by the addition of a parcel does not alter the transition from landowner voting to qualified elector voting; requiring the petitioner to cause to be recorded a certain notice of boundary amendment upon adoption of the ordinance expanding the district, etc. CA 01/23/2018 JU RC	
6	SB 1244 Lee (Identical H 1151)	Developments of Regional Impact; 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 ATD AP	
7	SB 1632 Mayfield (Similar H 963)	Towing and Immobilization Fees and Charges; Expanding the application of certain provisions related to ordinances and rules imposing price controls to include the towing or immobilization of vessels; prohibiting counties and municipalities from imposing charges, costs, expenses, fines, fees, or penalties on registered owners, other legally authorized persons in control, or lienholders of vehicles or vessels under certain conditions, etc. CA 01/23/2018 TR RC	

Workshop - At 5:00 PM or upon completion of the above referenced bills, whichever occurs first, the committee will workshop SB 572 by Senator Mayfield

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

	Prepare	ed By: The Professional St	aff of the Committee	on Community Affairs			
BILL:	SB 1026						
INTRODUCER:	Senator B	Senator Book and others					
SUBJECT:	BJECT: Text-to-911 Service						
DATE:	January 22	2, 2018 REVISED:	<u> </u>				
ANAL	YST	STAFF DIRECTOR	REFERENCE	ACTION			
1. Cochran		Yeatman	CA	Pre-meeting			
2.			GO				
3.			RC				

I. Summary:

In Florida, Text-to-911 is currently available in 20 counties. Approximately 18 other counties are in the project planning stage to have this service implemented. By the end of 2018, more than 50% of the counties will have implemented or will be in the test phase of implementing Text-to-911.

SB 1026 requires all counties to develop a plan for implementing a Text-to-911 system, and to have a system in place to receive E911 text messages by January 1, 2021.

II. Present Situation:

E911 Board and System

In 2007, the Florida Legislature established the E911 Board, which is composed of eleven members. The secretary of the Department of Management Services (DMS) designates the chair of the board. The Governor appoints five members who are county 911 coordinators and five members from the telecommunications industry. The E911 Board's primary function is to administer the funds derived from a monthly fee on each subscriber with a Florida billing address (place of primary use). The E911 Board makes disbursements from the E911 Trust Fund to county governments and wireless providers in accordance with s. 365.173, F.S.¹

The Secretary of DMS, or his or her designee, is designated as the director of the statewide E911 system.² The Office of the Secretary has designated a statewide E911 coordinator to carry out day-to-day activities. Statewide coordination of 911 and E911 services, including the Emergency

¹ Florida Department of Management Services, Senate Bill 1026 Analysis (December 11, 2017).

² Section 365.171, F.S.

Communications Number E911 State Plan (State E911 Plan) is the responsibility of the DMS.³ The State E911 Plan is a statewide plan for implementing and maintaining E911 services, thereby establishing the framework for a statewide emergency E911 communications system. The State E911 Plan establishes the Board of County Commissioners in each county as the responsible fiscal agent. The county E911 systems are under the direct control of the 67 boards. Each county board designates a county 911 coordinator to act as the single point of contact for the DMS and Public Safety Answering Points (PSAPs), and to coordinate effective delivery of E911 services in the county.⁴

In recognition that Next Generation 911 (NG-911)⁵ services are a few years away, the E911 Board and the DMS have worked with the industry as part of a process to move forward on a critical short-term NG-911 component, the ability to provide text notifications to 911 PSAPs. To advance these efforts, the E911 Board and the DMS provide a planning resource to assist counties with their Text-to-911 implementation.⁶

Rule 60FF1-5, F.A.C., permits counties to request funding for Text-to-911 from the E911 Board. Counties whose request for funding is granted by the E911 Board shall not receive additional funding from the E911 Board for "Text-to-911" for 365 days from the date of the prior disbursement to the recipient.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 365.172, F.S., to require counties to develop a plan for implementing a text-to-911 system, and to have a system in place to receive E911 text messages by January 1, 2021.

Section 2 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18, Florida Constitution, provides that cities and counties are not bound by general laws requiring them to spend funds or to take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. By requiring that all counties develop a Text-to-911 system by January 1, 2021, the bill requires the expenditure of money by some counties.

³ Florida Department of Management Services, *State of Florida Text to 911 Initiative*,

https://www.dms.myflorida.com/content/download/112482/625449/Statewide_Text-to-911_Initiative_8-11-2016.pdf at 4-5 (last visited January 18, 2018).

⁴ Florida Department of Management Services, State of Florida Text to 911 Initiative,

https://www.dms.myflorida.com/content/download/112482/625449/Statewide_Text-to-911_Initiative_8-11-2016.pdf at 6 (last visited January 18, 2018).

⁵ Next Generation 911 refers to an initiative aimed at updating the 911 service infrastructure in the United States and Canada to improve public emergency communications services in a growingly wireless mobile society.

⁶ Florida Department of Management Services, *State of Florida Text to 911 Initiative*,

https://www.dms.myflorida.com/content/download/112482/625449/Statewide_Text-to-911_Initiative_8-11-2016.pdf at 3 (last visited January 18, 2018).

An exemption from the mandates provision may apply if the expected fiscal impact of the bill is less than \$2 million. If costs exceed \$2 million, none of the constitutional exceptions or exemptions apply, and if the bill becomes law, counties will not be bound by the law unless the legislature determines that the bill fulfills an important state interest and approves the bill by a two-thirds vote of the membership of each house.

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 cost to implement a Text-to-911 service will vary by county. Local governments may have to increase local taxes or fees to create a source of revenue to implement this service.⁸ Counties are able to request funding but disbursement is limited.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 365.172 of the Florida Statutes.

⁹ Id.

⁸ Florida Department of Management Services, *Senate Bill 1026 Analysis* (December 11, 2017).

IX. **Additional Information:**

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

None.

Β. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Book

	32-01474-18 20181026
1	A bill to be entitled
2	An act relating to text-to-911 service; amending s.
3	365.172, F.S.; requiring counties to develop a plan
4	for implementing a text-to-911 system and have a
5	system to receive E911 text messages by a specified
6	date; providing an effective date.
7	
8	Be It Enacted by the Legislature of the State of Florida:
9	
10	Section 1. Subsection (15) of section 365.172, Florida
11	Statutes, is renumbered as subsection (16), and a new subsection
12	(15) is added to that section, to read:
13	365.172 Emergency communications number "E911."-
14	(15) TEXT-TO-911 SERVICEEach county shall develop a
15	countywide implementation plan for text-to-911 services and have
16	in place a system to receive E911 text messages from providers
17	by January 1, 2021.
18	Section 2. This act shall take effect July 1, 2018.
	Page 1 of 1
	CODING: Words stricken are deletions; words <u>underlined</u> are additions.

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

	Prepared	By: The Professional Staf	f of the Committee	on Community Affairs			
BILL:	SB 858						
INTRODUCER:	Senator Steu	Senator Steube and others					
SUBJECT:	Daylight Sav	ving Time					
DATE:	January 22,	2018 REVISED:					
ANAL	YST	STAFF DIRECTOR	REFERENCE	ACTION			
l. Present		Yeatman	CA	Pre-meeting			
2.			СМ				
3.			RC				

I. Summary:

SB 858 exempts the State of Florida and all of its political subdivisions from daylight saving time and requires that the state and its political subdivisions observe standard time.

II. Present Situation:

History of Daylight Saving Time in the United States¹

Although railroads in the United States and Canada instituted standard time in 1883, standard time was not established in law until the Act of March 19, 1918, sometimes called the Standard Time Act or the Calder Act. The Standard Time Act also established Daylight Saving Time. Daylight Saving Time was later repealed in 1919, but standard time in time zones remained in law. At that point, Daylight Saving Time became a local matter. It was re-established nationally early in World War II, and was continuously observed from February 9, 1942 to September 30, 1945. After World War II, the use of Daylight Saving Time varied among states and localities.

The Uniform Time Act of 1966 standardized the beginning and the end of daylight time in the U.S. but allowed for local exemptions from its observance. The Uniform Time Act provided that daylight time begins on the last Sunday in April and ends on the last Sunday in October, with the changeover to occur at 2 a.m. local time. Specifically, clocks are moved forward from 2:00 a.m. to 3:00 a.m. in spring, and they are moved back from 2:00 a.m. to 1:00 a.m. in fall.

While the law does not require that all states observe Daylight Saving Time, if a state chooses to observe Daylight Saving Time, it must begin and end on federally mandated dates. Individual

¹ United States Naval Observatory, *Daylight Time*, available at <u>http://aa.usno.navy.mil/faq/docs/daylight_time.php</u>.

states may exempt themselves from Daylight Saving Time and observe standard time² yearround by passing a state law if:

- The state lies entirely within a single time zone, and the exemption applies statewide; or
- The state is divided by a time zone boundary, and the exemptions applies either statewide or to the entire part of the state on one side of the time zone boundary.

Currently, Hawaii, most of Arizona,³ several United States commonwealths and territories,⁴ and various Native American nations⁵ are exempt from Daylight Saving Time.

The U.S. Department of Transportation states that Daylight Saving Time is observed because it saves energy, saves lives and prevents traffic injuries, and reduces crime.⁶

Currently, Florida law does not speak to the issue of DST. However, section 1.02, F.S., states that with regard to any act by an officer or department in Florida, "it shall be understood and intended that the...time shall be the United States standard time of the zone within which the act is to be performed..."

III. Effect of Proposed Changes:

The bill creates an unnumbered section that provides that Florida exempts itself and all of its political subdivisions from the observance of daylight saving time, between 2 a.m. on the second Sunday in March and 2 a.m. on the first Sunday in November of each calendar year. Additionally, the bill provides that the entire state and all of its political subdivisions shall observe the standard time that is otherwise applicable during that period.

The bill takes effect January 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

² Standard time is the official time in the United States, as determined by two federal agencies: the National Institute of Standards and Technology (NIST), an agency within the U.S. Department of Commerce; and its military counterpart, the United States Naval Observatory (USNO). The clocks run by these services are kept synchronized with each other as well as with those of other international timekeeping organizations. *See* <u>http://www.usno.navy.mil/USNO/time</u> and <u>https://www.nist.gov/pml/time-and-frequency-division</u> for more information.

³ Native American nations within Arizona have the right to use or opt out of DST. The Navajo Nation, which includes land in Arizona, New Mexico, and Utah, has chosen to use DST.

⁴ The commonwealths of the Northern Mariana Islands and Puerto Rico, and the territories of American Samoa, Guam, and the U.S. Virgin Islands do not observe DST.

⁵ The Navajo Nation observes DST, but the Hopi Nation does not.

⁶ U.S. Department of Transportation, *Purpose of Daylight Saving Time*, available at <u>https://www.transportation.gov/regulations/daylight-saving-time</u>.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be indeterminate costs to reprogram computers and other electronic devices to eliminate the automatic changing of the clocks. However, these costs are likely to be insignificant.

C. Government Sector Impact:

There may be indeterminate costs to reprogram computers and other electronic devices to eliminate the automatic changing of the clocks. However, these costs are likely to be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section 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.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

Florida Senate - 2018 Bill No. SB 858

LEGISLATIVE ACTION

Senate

House

The Committee on Community Affairs (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

2 3 4

and insert:

1

5 6

> 7 8

> > 9

Section 1. (1) This section may be cited as the "Sunshine Protection Act." (2) If the United States Congress amends 15 U.S.C. s. 260a to authorize states to observe daylight saving time year-round, it is the intent of the Legislature that daylight saving time shall be the year-round standard time of the entire state and

10

Florida Senate - 2018 Bill No. SB 858

502402

11	all of its political subdivisions.
12	Section 2. As soon as practicable after this act becomes a
13	law, the Legislature of the State of Florida shall submit a
14	request to the Secretary of the United States Department of
15	Transportation to initiate rulemaking to redesignate those
16	portions of Florida that currently lie within the Central Time
17	Zone to the Eastern Time Zone. The request must include a formal
18	certification, contact information, and any supporting
19	documentation demonstrating that moving the entire state of
20	Florida into one time zone would serve the convenience of
21	commerce.
22	Section 3. This act shall take effect July 1, 2018.
23	
24	========== T I T L E A M E N D M E N T =================================
25	And the title is amended as follows:
26	Delete everything before the enacting clause
27	and insert:
28	A bill to be entitled
29	An act relating to time observances; providing a short
30	title; providing legislative intent regarding the
31	State of Florida and its political subdivisions
32	observing daylight saving time year-round under
33	certain conditions; directing the Legislature to
34	submit a request to the Secretary of the United States
35	Department of Transportation to redesignate portions
36	of the state in the Central Time Zone into the Eastern
37	Time Zone; specifying requirements for the request;
38	providing an effective date.
39	

Florida Senate - 2018 Bill No. SB 858

502402

40 WHEREAS, the State of Florida is known as the "Sunshine 41 State," and 42 WHEREAS, as the "Sunshine State," Florida should be kept 43 sunny year-round, NOW, THEREFORE, By Senator Steube

	23-01219-18 2018858
1	A bill to be entitled
2	An act relating to daylight saving time; exempting the
3	State of Florida and its political subdivisions from
4	daylight saving time; requiring that the state and all
5	of its political subdivisions observe standard time;
6	providing an effective date.
7	
8	Be It Enacted by the Legislature of the State of Florida:
9	
10	Section 1. Pursuant to 15 U.S.C. s. 260(a), this state
11	exempts itself and all of its political subdivisions from the
12	observance of daylight saving time, between 2 a.m. on the second
13	Sunday in March and 2 a.m. on the first Sunday in November of
14	each calendar year, and the entire state and all of its
15	political subdivisions shall observe the standard time that is
16	otherwise applicable during that period.
17	Section 2. This act shall take effect January 1, 2019.
	Page 1 of 1
	CODING: Words stricken are deletions; words <u>underlined</u> are additions

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

	Prepar	ed By: The Professional St	aff of the Committee	on Community Affairs			
BILL:	SB 720	SB 720					
INTRODUCER:							
SUBJECT: Children's		's Initiatives					
DATE:	January 1	8, 2018 REVISED:					
ANAL	YST	STAFF DIRECTOR	REFERENCE	ACTION			
1. Preston		Hendon	CF	Favorable			
2. Cochran	chran Yeatman		CA	Pre-meeting			
3.			RC				

I. Summary:

SB 720 codifies the Tampa Sulphur Springs Neighborhood Promise Zone and the Overtown Children and Youth Coaltion in Miami that are currently in existence and have been designated by the Ounce of Prevention Fund (Ounce) as a Florida children's initiative pursuant to section 409.147, F.S. The bill provides that the initiatives are designed to encompass an area large enough to include all necessary components of community life, but small enough to reach every member of each neighborhood who wishes to participate.

II. Present Situation:

Harlem Children's Zone

The Harlem Children's Zone (HCZ) began in 1970 as an organization working with young children and their families as the city's first truancy-prevention program.¹ In the early 1990s, the HCZ ran a pilot project that brought a range of support services to a single block. The idea was to address all the problems that poor families were facing including crumbling apartments, failing schools, violent crime, and chronic health problems.²

Believing that for children to do well, their families have to do well, and for families to do well, their community must do well, the HCZ works to strengthen families as well as empowering them to have a positive impact on their children's development. The two fundamental principles of the HCZ are to help kids in a sustained way, starting as early in their lives as possible, and to create a critical mass of adults around them who understand what it takes to help children succeed.³

¹ Harlem Children's Zone, *available at* http://www.hcz.org/index.php/about-us/history/ (last visited January 18, 2018). The organization was then known as the Rheedlen Centers for Children and Families.

 $^{^{2}}$ Id.

³ Harlem Children's Zone, available at https://hcz.org/about-us/ (last visited January 18, 2018).

Page 2

The HCZ Project began as a one-block pilot in the 1990s, then following a 10-year business plan to ensure its best-practice programs were operating as planned, it expanded to 24 blocks, then 60 blocks, then ultimately 97 blocks. The HCZ became a model among nonprofits that began carefully evaluating and tracking the results of their work. Those evaluation results enabled staff to see if programs were achieving their objectives and to take corrective actions if they were not.⁴

Children's Zones in Florida

Using the Harlem Children's Zone as a model, the Legislature created children's zones in Florida in 2008.⁵ The stated policy and purpose for the zones was:

It is the policy of this state to provide the necessary means to assist local communities, the children and families who live in those communities, and the private sector in creating a sound educational, social, and economic environment. To achieve this objective, the state intends to provide investments sufficient to encourage community partners to commit financial and other resources to severely disadvantaged areas. The purpose of this section is to establish a process that clearly identifies the severely disadvantaged areas and provides guidance for developing a new social service paradigm that systematically coordinates programs that address the critical needs of children and their families and for directing efforts to rebuild the basic infrastructure of the community. The Legislature, therefore, declares the creation of children's zones, through the collaborative efforts of government and the private sector, to be a public purpose.⁶

The 2008 legislation and the amending 2009 legislation relating to children's initiatives also contained the following provisions:⁷

- Created a nominating process for areas within communities to be designated as children's zones and provided for the creation of a planning team, a strategic community plan, and focus areas to be included in the plan;
- Required the creation of a not for profit corporation to implement and govern a designated children's zone;
- Created a ten-year project within the Liberty City neighborhood in Miami to be known as the Miami Children's Initiative (MCI); and

 $^{^{4}}$ Id.

⁵ Chapter 2008-96, Laws of Fla. In 2009, the term "children's zone" was changed to "children's initiative." Shortly after the 2008 legislation was signed into law, the HCZ notified the Florida Legislature that they had trademarked the term "children's zone" and the state was no longer able to use the term. Chapter 2009-43, Laws of Fla.

⁶ Id.

⁷ Section 409.147, F.S., provides that a county or municipality or other designated area may apply to the Ounce to designate an area as a children's initiative. The area must first adopt a resolution stating that the area has issues related to poverty, that changes are necessary for the area to improve, and that resources are necessary for revitalization of the area. The county or municipality must then establish a children's initiative planning team and develop and adopt a strategic community plan. Once a county or municipality has completed these steps, they must create a not-for-profit corporation to facilitate fundraising and secure broad community ownership of the children's initiative. The Ounce is a private, nonprofit corporation dedicated to shaping prevention policy and investing in innovative prevention programs that provide measurable benefits to Florida's children, families and communities.

• Required the Department of Children and Families to contract with an existing private nonprofit corporation, incorporated for certain specified purposes, to implement the newly created Miami Children's Initiative.⁸

Florida children's initiatives were created to assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within its boundaries. There are currently three Florida children's initiatives that have been recognized in statute; the Miami Children's Initiative, Inc., the New Town Success Zone in Jacksonville, and the Parramore Kidz Zone in Orlando.⁹

Miami Children's Initiative

The idea for the Miami Children's Initiative dates back to 2006, when a group of Liberty City community leaders, local politicians and residents came together to try and determine possible solutions to perceived problems in the community. Liberty City was once a thriving neighborhood for many African Americans, but the high concentration of low-income housing projects, the exit of the area's businesses, increased joblessness, low performing schools, growing poverty, crime, juvenile delinquency, drugs and poor health had eroded the quality of life.¹⁰

Creation of the MCI in 2008 brought residents and local business people, as well as leaders in health care, education and human services, together to begin to formulate the foundation for this community-wide initiative. Today, the initiative has grown to include early childhood programs, K-12 programs, student enrichment and development programs, an asthma initiative, a fresh food co-op, community vegetable gardens and a gym and fitness facility.¹¹

New Town Success Zone

After a trip by city officials to Harlem and a review of a number of Jacksonville neighborhoods, the New Town community was selected by community leadership of Jacksonville in 2008 as the site for a Florida children's initiative. In 2009, a strategic plan was developed and work began on the New Town Success Zone.¹² The initiative's mission is to provide a place-based continuum of services from prenatal to college, the military or some form of postsecondary training for the children and their families living in the neighborhood.¹³ In the first five year report to the community, the New Town Success Zone has reported higher FCAT scores, an improvement in school promotion rates, and a reduction in violent crimes, theft and truancy since 2008.¹⁴

¹¹ Miami Children's Initiative, available at: http://www.iamlibertycity.org/our-work/our-work (last visited January 18, 2018).

¹² The New Town Success Zone, *available at:* http://jaxkids.org/afterschool-summer/new-town-success-zone/. *Also see:* New Town Success Zone Five Years Later, available at: http://www.metrojacksonville.com/article/2013-may-new-town-success-zone-five-years-later (last visited January 18, 2018).
 ¹³ Id.

⁸ Chapter 2009-43, Laws of Fla.

⁹ Section 409.147, F.S.

¹⁰ Miami Children's Initiative, available at: http://www.iamlibertycity.org/ (last visited January 18,2018).

¹⁴ New Town Success Zone, Five Year Report to the Community, available at:

https://issuu.com/jermynshannonel/docs/newtown_5yr_report (last visited January 18, 2018)

Parramore Kidz Zone

The Parramore Kidz Zone (PKZ) was launched by the City of Orlando on July 1, 2006, as part of a comprehensive effort to revitalize Orlando's highest crime, highest poverty neighborhood. The Parramore Kidz Zone replicates some aspects of the Harlem Children's Zone to create positive child-rearing conditions that will result in lower teen pregnancy rates, improved school performance, and decreased juvenile crime and child abuse rates. The Parramore Kidz Zone was implemented by a coalition of nonprofit organizations and neighborhood residents and was designated by the Ounce as a Florida children's initiative in June 2009.¹⁵ The initiative was designed to invest in those things that make a difference in children's lives, such as quality early childhood education, after school programs, programs that build family economic success, youth development programs for teenagers, access to health care, and mentoring.¹⁶

Since 2006, program evaluators have documented a 61% decline in juvenile arrests, a 56% decline in teen pregnancies, and a 38% decline in child abuse cases in the neighborhood since PKZ started, as well as across-the-board increases in the percentage of elementary, middle and high school students performing at grade level in math and reading. Every year the number of Parramore youth who attend college increases. Today, 70 PKZ youth are in college, all of whom are the first generation in their families to attend.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 409.147, F.S., relating to children's initiatives, to add the Tampa Sulphur Springs Neighborhood of Promise Success Zone and the Overtown Children and Youth Coalition as entities designated by the Ounce of Prevention Fund as children's initiatives.

The bill provides that the initiatives are subject to Florida public records laws, public meeting laws, and procurement laws, and that the initiatives are designed to encompass an area large enough to include all necessary components of community life, but small enough to reach every member of each neighborhood who wishes to participate.

Section 2 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁵ The Ounce of Prevention Fund of Florida, Parramore Kidz Zone, available at:

https://www.ounce.org/fci_communities.html (last visited January 18, 2018).

¹⁶ City of Orlando, Parramore Kidz Zone, available at: http://www.cityoforlando.net/parramorekidzzone/ (last visited January 18, 2018).

¹⁷ Id.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends s. 409.147 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.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

SB 720

By Senator Young

18-00403-18 2018720 1 A bill to be entitled 2 An act relating to children's initiatives; amending s. 409.147, F.S.; creating the Tampa Sulphur Springs 3 Neighborhood of Promise Success Zone within the City of Tampa in Hillsborough County and the Overtown Children and Youth Coalition within the City of Miami in Miami-Dade County; providing for the projects to be managed by not-for-profit corporations that are not 8 ç subject to control, supervision, or direction by any department of the state; providing legislative intent; 10 11 requiring the corporations to be subject to public 12 records and public meeting requirements and to 13 requirements for the procurement of commodities and 14 contractual services; providing that the success zone 15 and the coalition are designed to encompass areas 16 large enough to include certain components but small 17 enough to allow programs and services to reach 18 participants; providing implementation of the 19 coalition and the success zone; providing an effective 20 date. 21 22 Be It Enacted by the Legislature of the State of Florida: 23 24 Section 1. Present subsection (11) of section 409.147, 25 Florida Statutes, is redesignated as subsection (13) and 26 amended, and a new subsection (11) and subsection (12) are added 27 to that section, to read: 28 409.147 Children's initiatives.-29 (11) CREATION OF THE TAMPA SULPHUR SPRINGS NEIGHBORHOOD OF Page 1 of 4

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

	18-00403-18 2018720_
30	PROMISE (SSNOP) SUCCESS ZONE
31	(a) There is created within the City of Tampa in
32	Hillsborough County a 10-year project that shall be managed by
33	an entity organized as a not-for-profit corporation that is
34	registered, incorporated, organized, and operated in compliance
35	with chapter 617. The Tampa SSNOP Success Zone is not subject to
36	control, supervision, or direction by any department of the
37	state in any manner. The Legislature determines, however, that
38	public policy dictates that the corporation operate in the most
39	open and accessible manner consistent with its public purpose.
40	Therefore, the Legislature declares that the corporation is
41	subject to chapter 119, relating to public records, chapter 286,
42	relating to public meetings and records, and chapter 287,
43	relating to procurement of commodities or contractual services.
44	(b) This initiative is designed to encompass an area that
45	is large enough to include all of the necessary components of
46	community life, including, but not limited to, schools, places
47	of worship, recreational facilities, commercial areas, and
48	common space, yet small enough to allow programs and services to
49	reach every member of the neighborhood who is willing to
50	participate in the project.
51	(12) CREATION OF THE OVERTOWN CHILDREN AND YOUTH
52	COALITION
53	(a) There is created within the City of Miami in Miami-Dade
54	County a 10-year project that shall be managed by an entity
55	organized as a not-for-profit corporation that is registered,
56	incorporated, organized, and operated in compliance with chapter
57	617. The Overtown Children and Youth Coalition is not subject to
58	control, supervision, or direction by any department of the

Page 2 of 4

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

18-00403-18 2018720 59 state in any manner. The Legislature determines, however, that 60 public policy dictates that the corporation operate in the most 61 open and accessible manner consistent with its public purpose. 62 Therefore, the Legislature declares that the corporation is 63 subject to chapter 119, relating to public records, chapter 286, relating to public meetings and records, and chapter 287, 64 65 relating to procurement of commodities or contractual services. 66 (b) This initiative is designed to encompass an area that 67 is large enough to include all of the necessary components of 68 community life, including, but not limited to, schools, places 69 of worship, recreational facilities, commercial areas, and 70 common space, yet small enough to allow programs and services to 71 reach every member of the neighborhood who is willing to 72 participate in the project. 73 (13) (11) IMPLEMENTATION.-74 (a) The Miami Children's Initiative, Inc., the New Town 75 Success Zone, and the Parramore Kidz Zone, the Tampa SSNOP 76 Success Zone, and the Overtown Children and Youth Coalition have 77 been designated as Florida Children's Initiatives consistent 78 with the legislative intent and purpose of s. 16, chapter 2009-79 43, Laws of Florida, and as such shall each assist the 80 disadvantaged areas of the state in creating a community-based 81 service network and programming that develops, coordinates, and 82 provides quality education, accessible health care, youth 83 development programs, opportunities for employment, and safe and affordable housing for children and families living within their 84 85 boundaries. 86 (b) In order to implement this section for the Miami Children's Initiative, Inc., the Department of Children and 87 Page 3 of 4

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

18-00403-18

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- 88 Families shall contract with a not-for-profit corporation, to
- 89 work in collaboration with the governing body to adopt the
- 90 resolution described in subsection (4), to establish the
- 91 planning team as provided in subsection (5), and to develop and
- adopt the strategic community plan as provided in subsection 92
- 93 (6). The not-for-profit corporation is also responsible for the
- 94 development of a business plan and for the evaluation, fiscal
- management, and oversight of the Miami Children's Initiative, 96 Inc.
 - Section 2. This act shall take effect July 1, 2018.

Page 4 of 4 CODING: Words stricken are deletions; words underlined are additions.

	Prepare	ed By: The F	Professional Staf	f of the Committee	on Community	/ Affairs
BILL:	CS/SB 87	6				
INTRODUCER: Regulate		Industries	Committee ar	nd Senator Bean		
SUBJECT: Alarm Ve		rification				
DATE:	January 22	2, 2018	REVISED:			
ANAL	YST	STAF	F DIRECTOR	REFERENCE		ACTION
. Kraemer		McSw	ain	RI	Fav/CS	
2. Present		Yeatm	an	CA	Pre-meet	ing
3.				RC		

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 876 revises s. 489.529, F.S., to require, in most circumstances, two attempts to confirm alarm signals generated by residential or commercial intrusion and burglary alarms systems that have central monitoring, before law enforcement may be contacted for response to the premises generating the alarm.

The bill requires the first attempt to confirm an active alarm signal be made by the central monitoring station, via communication by telephone call, text message, or other electronic means, with a person associated with the premises generating the alarm signal. If the first attempt to confirm the alarm signal is unsuccessful, then the central monitoring station must attempt to confirm the alarm signal a second time, via communication by telephone call, text message, or other electronic means, with the premises owner, an occupant, or an authorized designee.

Under current law, contact with law enforcement for a response to an alarm may not be made unless a "central monitoring verification call" is made to a telephone number associated with the premises,¹ and if that call is not answered, then other, undefined "call-verification methods" for the premises must be employed.

¹ Section 489.529, F.S., was revised effective October 1, 2017, to require the first verification call be made to a telephone number associated with the premises. *See* ch. 2017-52, s. 2, Laws of Fla.

II. Present Situation:

An alarm system is "any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency."² An alarm system includes home-automation equipment, thermostats, closed-circuit television systems, and video cameras.³Alarm systems contractors must be licensed, have sufficient technical expertise in the trade prior to licensure, and be tested on technical and business matters.⁴ Part II of ch. 489, F.S., deals with the licensing of electrical and alarm systems contractors who install such alarms.⁵

Verification of Intrusion/Burglary Alarm Signals

All residential or commercial intrusion/burglary alarms with central monitoring must have a central monitoring verification call made to a telephone number associated with the premises generating the alarm signal, before alarm monitor personnel may contact a law enforcement agency for dispatch of law enforcement officers to the premises.⁶ The central monitoring station must employ call-verification methods for the premises generating the alarm signal, if the first call is not answered.⁷

Verification calling is not required, however, if the intrusion/burglary alarm:

- Has a properly operating visual or auditory sensor that enables the monitoring personnel to verify the alarm signal; or
- Is installed on a premises used for the storage of firearms or ammunition by a customer who holds a valid federal firearms license as a manufacturer, importer, or dealer of firearms or ammunition (licensed firearms dealer),⁸ who has notified the alarm monitoring company that he or she would like to bypass the two-call verification protocol.⁹

Upon initiation of a new alarm monitoring service contract, an alarm monitoring company must make reasonable efforts to inform a customer who is a licensed firearms dealer of the right to opt out of the two-call verification protocol.¹⁰

Licensed Alarm System Contractors

Part II of ch. 489, F.S., dealing with electrical and alarm system contracting, sets forth requirements for qualified persons to be licensed if they have sufficient technical expertise in the

² See s. 489.505(1), F.S.

³ See s. 553.793(1)(b), F.S.

⁴ See s. 489.501, F.S.

⁵ See ss. 489.501 through 489.538, F.S.

⁶ See s. 489.529, F.S.

 $^{^{7}}$ Id.

⁸ The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) notes that each year, it receives thousands of reports of theft or loss from federally licensed firearms dealers. The steps that the ATF recommends to protect a firearms business include store design measures, after-hours security methods, reinforcement and narrowing of store door and window openings, alarm systems, and 24-hour video camera recording adequate to capture faces and features. *See* <u>https://www.atf.gov/firearms/learn-about-firearms-safety-and-security</u> (last visited Jan. 17, 2018).

⁹ See s. 489.529, F.S.

¹⁰ See s. 489.529(2), F.S.

applicable trade, and have been tested on technical and business matters.¹¹ The Electrical Contractors' Licensing Board (board) in the Department of Business and Professional Regulation (DBPR) implements Part II of ch. 489, F.S.¹²

Section 489.505, F.S., specifies the types of contractors that may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An alarm system contractor is a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to conduct all alarm services for compensation, for all types of alarm systems for all purposes.¹³ The term also includes any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.¹⁴ An alarm system contractor whose business includes all types of alarm systems for all purposes is designated as an "alarm system contractor I;" the practice area of an "alarm system contractor II" is identical except it does not include fire alarm systems.¹⁵

The DBPR may also issue geographically unlimited certificates of competency to an alarm system contractor (certificateholder).¹⁶ The scope of certification is limited to specific alarm circuits and equipment, and no mandatory licensure requirement is created by the availability of a certification.¹⁷

Part IV of ch. 553, F.S., constitutes the Florida Building Codes Act (act). The act provides a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the Florida Building Code, consisting of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities, and to the enforcement of such requirements.¹⁸ The Florida Building Code is adopted, modified, updated, interpreted, and maintained by the Florida Building Commission.¹⁹

Pursuant to s. 553.88, F.S., the current edition of the following standards are in effect to establish minimum electrical and alarm standards in Florida:

¹¹ See s. 489.501, F.S.

¹² See ss. 489.507 through 489.517, F.S., concerning the powers and duties of the board.

¹³ See s. 489.505(2), F.S.

¹⁴ *Id*.

¹⁵ Id.

¹⁶ See ss. 489.505(4), 489.505(5), and 489.515(1), F.S.

¹⁷ See s. 489.505(7), F.S., which describes the limitations on the scope of a certificate of competency as those circuits originating in alarm control panels and equipment governed by the Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition, as well as the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks. With respect to voltage and current, RMS is the abbreviation for "root mean square," a statistical term defined as the square root of mean square. *See* http://www.practicalphysics.org/explaining-rms-voltage-and-current.html (last visited Jan. 17, 2018).

¹⁸ See s. 553.72(1), F.S., which also indicates that effective and reasonable protection for public safety, health, and general welfare at the most reasonable cost to the consumer is also intended.

¹⁹ See s. 553.72(3), F.S.

- National Electrical Code, NFPA²⁰ No. 70;
- Underwriters' Laboratories, Inc. (UL), Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps, UL 57 and UL 153;
- Underwriters' Laboratories, Inc., Standard for Electric Signs, UL 48;
- The provisions of the following which prescribe minimum electrical and alarm standards:
 - o NFPA No. 56A, Inhalation Anesthetics;
 - NFPA No. 56B, Respiratory Therapy;
 - o NFPA No. 56C, Laboratories in Health-related Institutions;
 - NFPA No. 56D, Hyperbaric Facilities;
 - NFPA No. 56F, Nonflammable Medical Gas Systems;
 - o NFPA No. 72, National Fire Alarm Code; and
 - NFPA No. 76A, Essential Electrical Systems for Health Care Facilities;
- The rules and regulations of the Department of Health, entitled "Nursing Homes and Related Facilities Licensure"; and
- The minimum standards for grounding of portable electric equipment in Florida Administrative Code Rule Chapter 8C-27, as recommended by the Division of Workers' Compensation in the Department of Financial Services.

Section 553.71(5), F.S., provides that a local enforcement agency²¹ is an agency with jurisdiction to make inspections of buildings and to enforce the codes that establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities. A local enforcement agency must make uniform permit labels available for purchase by a contractor for the installation or replacement of a new or existing alarm system for not more than \$40 per label per project per unit, and may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of an alarm system.²²

A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with s. 553.793, F.S.²³

III. Effect of Proposed Changes:

The bill revises s. 489.529, F.S., to require, in most circumstances, two attempts to confirm alarm signals generated by residential or commercial intrusion and burglary alarms systems that

²⁰ NFPA is the acronym for the National Fire Protection Association, which is an international nonprofit organization established in 1896. Its mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes, standards, research, training and education. The NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. *See* http://www.nfpa.org/about-nfpa (last visited Jan. 17, 2018).

²¹ Section 553.71(5), F.S., of the Florida Building Codes Act defines local enforcement agency as an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

²² See s. 553.793(5), F.S.

²³ See s. 553.793(10), F.S.

have central monitoring, before law enforcement may be contacted for response to the premises generating the alarm.

The bill requires the first attempt to confirm an active alarm signal be made by the central monitoring station, via communication by telephone call, text message, or other electronic means, with a person associated with the premises generating the alarm signal. If the first attempt to confirm the alarm signal is unsuccessful, then the central monitoring station must attempt to confirm the alarm signal a second time via communication by telephone call, text message, or other electronic means, with the premises owner, an occupant, or an authorized designee.

Under current law, contact with law enforcement for a response to an alarm may not be made unless a "central monitoring verification call" is made to a telephone number associated with the premises,²⁴ and if that call is not answered, then other, undefined "call-verification methods" for the premises must be employed.

The authorization in current law for immediate contact with law enforcement for a response to an active alarm is retained, when the intrusion/burglary alarm generating the alarm:

- Has a properly operating visual or auditory sensor that allows monitoring personnel to verify the alarm signal; or
- Is installed on a premises that is used for the storage of firearms or ammunition by a person who holds a valid federal firearms license.²⁵

The bill provides an effective date of 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.

²⁴ Section 489.529, F.S. was revised effective October 1, 2017, to require the first verification call be made to a telephone number associated with the premises. See ch. 2017-52, s. 2, Laws of Fla.

B. Private Sector Impact:

The bill provides additional methods for confirmation of an alarm signal generated at a residential or commercial premises with a centrally monitored intrusion/burglary alarm and could assist in reducing the number of alarm dispatch calls to law enforcement agencies.

C. Government Sector Impact:

Reductions in false alarms may reduce the costs of responses to intrusion/burglary alarms by local governments and law enforcement agencies.

Reduction of false alarm calls may alleviate the associated burden to law enforcement agencies that must respond to premises generating intrusion/burglary alarms. Authorizing the use of text messages and other electronic means as methods that may be used in addition to telephone calls to attempt to confirm an alarm signal with a person associated with the premises generating the alarm signal may reduce false alarms.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 489.529 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.)

CS by Regulated Industries on January 10, 2018:

- Expands the methods for verification of an alarm signal generated by residential or commercial intrusion/burglary alarms that have central monitoring, before law enforcement is contacted for response to the premises, to allow in addition to a telephone call verification by:
 - A text message; or
 - Other electronic means.
- Requires a second attempt to verify the alarm signal be made (if the first attempt is not successful) with the premises owner, occupant, or an authorized designee, by:
 A telephone call;
 - A telephone call,
 - A text message; or
 - Other electronic means.
- Deletes the bill's provisions that:
 - Alarm monitoring personnel make the first attempt at verifying the alarm signal;

- The first verification attempt be made to persons "at" the premises generating the alarm signal; and
- Refer to alarm "confirmation" to maintain consistency with references in current law to alarm "verification" and "verification protocol."
- Revises the short title of the bill to "Alarm Verification" from "Alarm Confirmation."
- B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Regulated Industries; and Senator Bean

580-02001-18 2018876c1 1 A bill to be entitled 2 An act relating to alarm verification; amending s. 489.529, F.S.; revising requirements for alarm verification to include additional methods by which an alarm monitoring company may verify a residential or commercial intrusion/burglary alarm signal and to require that two attempts be made to verify an alarm signal; providing an effective date. С 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 1. Section 489.529, Florida Statutes, is amended to read: 13 14 489.529 Alarm verification calls required.-All residential 15 or commercial intrusion/burglary alarms that have central 16 monitoring must have the a central monitoring station attempt to 17 verify an alarm signal via communication by telephone 18 verification call, text message, or other electronic means with 19 a person made to a telephone number associated with the premises 20 generating the alarm signal, before alarm monitor personnel 21 contact a law enforcement agency for alarm dispatch. The central 22 monitoring station must attempt to verify employ call-23 verification methods for the premises generating the alarm 24 signal a second time via communication by telephone call, text 25 message, or other electronic means with the premises owner, 26 occupant, or his or her authorized designee if the first attempt 27 to verify the alarm signal call is not successful answered. 2.8 However, verification attempts are calling is not required if: 29 (1) The intrusion/burglary alarm has a properly operating

Page 1 of 2

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580-02001-18

2018876c1

- 30 visual or auditory sensor that enables the alarm monitoring
- 31 personnel to verify the alarm signal; or
- 32 (2) The intrusion/burglary alarm is installed on a premises
- 33 that is used for the storage of firearms or ammunition by a
- 34 person who holds a valid federal firearms license as a
- 35 manufacturer, importer, or dealer of firearms or ammunition,
- 36 provided the customer notifies the alarm monitoring company that
- 37 he or she holds such license and would like to bypass the two-
- 38 attempt two-call verification protocol. Upon initiation of a new
- 39 alarm monitoring service contract, the alarm monitoring company
- 40 shall make reasonable efforts to inform a customer who holds a
- 41 valid federal firearms license as a manufacturer, importer, or
- 42 dealer of firearms or ammunition of his or her right to opt out
- 43 of the two-attempt two-call verification protocol.
- 44 Section 2. This act shall take effect July 1, 2018.

Page 2 of 2 CODING: Words stricken are deletions; words <u>underlined</u> are additions.

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 Committee on Community Affairs SB 1348 BILL: Senator Perrv INTRODUCER: **Community Development Districts** SUBJECT: January 22, 2018 DATE: **REVISED:** ANALYST STAFF DIRECTOR REFERENCE ACTION 1. Present Yeatman **Pre-meeting** CA JU 2. 3. RC

I. Summary:

SB 1348 authorizes Community Development Districts (CDDs) of less than 2,500 acres and solely in one county or municipality to include a list of parcels in the CDD's establishment petition that the CDD expects to add within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include these additional parcels. The bill also provides that the expansion of CDD boundaries to include these parcels does not alter the time period for transition from a landowner board to a board composed of qualified electors under s. 190.006, F.S., and states that the parcels may be added even if the resulting CDD is greater than 2,500 acres.

II. Present Situation:

Chapter 190, F.S., the "Uniform Community Development District Act of 1980,"¹ sets forth the exclusive and uniform procedures for establishing and operating a community development district (CDD).² This type of independent special district³ is an alternative method to manage and finance basic services for community development.⁴ There are currently 642 active CDDs in Florida.⁵

¹ Section 190.001, F.S.

² Sections 190.004 and 190.005, F.S.

³ A "special district" is "a unit of local government created for a special purpose… within a limited geographic boundary … created by general law, special act, local ordinance, or by rule of the Governor and Cabinet." Section 189.012(6), F.S. An "independent special district" is a special district that does not mean any of the criteria listed in s. 189.012(2), F.S. Additionally, any special district including more than one county is an independent special district, unless the district lies wholly within a single municipality. Section 189.012(3), F.S.

⁴ Section 190.003(6), F.S.

⁵ Department of Economic Opportunity, *Official List of Special Districts Online – Directory*, available at <u>http://specialdistrictreports.floridajobs.org/webreports/mainindex.aspx</u> (last visited Jan. 18, 2017).

A CDD must act within the constraints of applicable comprehensive plans, ordinances, and regulations of the local general-purpose government.⁶ CDDs have certain general powers, including the authority to:

- Assess and impose ad valorem taxes upon lands in the CDD;
- Sue and be sued;
- Participate in the state retirement system;
- Contract for services;
- Borrow money;
- Accept gifts;
- Adopt rules and orders pursuant to the Administrative Procedure Act (APA);⁷
- Maintain an office;
- Lease;
- Issue bonds;
- Raise money by user charges or fees; and
- Levy and enforce special assessments.⁸

The statute also authorizes additional special powers pertaining to public improvements and facilities, such as systems for water management, water supply, sewer, and wastewater management, as well as roads, bridges, culverts, street lights, buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, signage, environmental contamination, conservation areas, mitigation areas, and wildlife habitat.⁹ With the consent of the applicable local general-purpose government with jurisdiction over the affected area, a CDD may plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- Improvements such as parks and recreational areas;
- Fire prevention and control;
- School buildings and related structures;
- Security;
- Control and elimination of mosquitoes and other arthropods of public health importance; and
- Waste collection and disposal.¹⁰

Establishing a CDD

Petition for Rulemaking by the Florida Land and Water Adjudicatory Commission

The method for establishing a CDD depends upon its size. CDDs of 2,500 acres or more are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC)¹¹ to

⁶ Section 190.004(3), F.S.

⁷ Ch. 120, F.S.

⁸ Section 190.011, F.S.

⁹ Section 190.012(1), F.S. The rule or ordinance establishing the CDD may restrict the special powers authorized in this subsection. Section 190.005(1)(f) and (2)(d), F.S.

¹⁰ Section 190.012(2), F.S.

¹¹ Created by s. 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet. This distinction affects the requirements for an affirmative vote by the FLWAC. Unless otherwise provided in law, the statutory voting requirements for the Administration Commission apply and affirmation by the FLWAC requires approval by the Governor and at least two Cabinet members.

adopt an administrative rule creating the district.¹² The statute requires each petition to contain specific information, including the written consent to establishing the CDD by all landowners¹³ of real property to be included in the district.¹⁴ Prior to filing, the petitioner must submit copies of the petition and pay separate filing fees of \$15,000 each to the county and any municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district.¹⁵ The counties and municipalities required to receive copies of the petition may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC.¹⁶ Additionally, a public hearing on the petition must be held in the county where the CDD will be located; these hearings are conducted under the requirements of the APA¹⁷ before an administrative law judge.¹⁸ Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the FLWAC meeting agenda for final consideration with the petition.¹⁹ If the petition is approved, staff of the FLWAC initiates proceedings to adopt the rule creating the CDD.

Petition for Ordinance Creating a CDD

CDDs of less than 2,500 acres are established by ordinance of the county having jurisdiction over the majority of land in the area in which the CDD is to be located, with certain exceptions.²⁰ A petition to establish a CDD is filed with the county commission.²¹ After conducting a local public hearing before an administrative law judge,²² the commission may adopt an ordinance creating the CDD.²³ If any of the land proposed for inclusion in the CDD lies within the area of a municipality the county cannot create the district without approval of the affected municipality.²⁴

If all the land proposed for inclusion in the CDD lies within the territorial jurisdiction of a municipality, the petition is filed with that municipality which then exercises the duties otherwise performed by the county commission.²⁵ In this case, the CDD would be created by municipal ordinance. Within 90 days after receiving the petition, the county commission (or municipality,

²⁵ Id.

¹² Section 190.005(1), F.S.

¹³"Landowner" means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years. Section 190.003(14), F.S.

¹⁴ Section 190.005(1)(a), F.S.

¹⁵ Section 190.005(1)(b), F.S.

¹⁶ Section 190.005(1)(c), F.S.

¹⁷ The general hearing requirements are stated in ss. 120.569 and 120.57(1), F.S.

¹⁸ Section 190.005(1)(d), F.S.; Rules 42-1.009 & 42-1.012, F.A.C. Chapter 42-1, F.A.C., the procedural rules of the FLWAC, remains substantially unchanged since its adoption in 1982.

¹⁹ Section 190.005(1)(e), F.S. A similar process is followed when the FLWAC considers a proposed merger of existing CDDs. *See* FLWAC Agenda Item 1 and attachments (Aug. 16, 2011), at

http://www.myflorida.com/myflorida/cabinet/agenda11/0816/FLWAC0816.pdf (last visited Jan. 18, 2017).

²⁰ Section 190.005(2), F.S.

²¹ Section 190.005(2)(a), F.S. The petition must contain the same information as required for submission to the FLWAC.

²² Section 190.005(2)(b), F.S. The hearing must follow the same notice and procedural requirements as the local hearing for petitions before the FLWAC.

²³ See s. 190.005(2)(d), F.S.

²⁴ Section 190.005(2)(e), F.S.

as applicable) may transfer the petition to the FLWAC.²⁶ Finally, if all the land of the proposed CDD lies within the territorial jurisdiction of two or more municipalities or two or more counties, the petition must be filed with the FLWAC even if the total area is less than 2,500 acres.²⁷

Requirements for Notice, Meeting, and Vote of Landowners in a CDD

The powers of a CDD are exercised by the board of supervisors elected by the landowners of the district.²⁸ The board must have five members serving 2- or 4-year terms.²⁹ The initial members of the board are designated in the original petition to create the CDD and serve until new members are elected after the district is established.³⁰ A meeting of landowners for the purpose of electing the board must be held within 90 days after the effective date of the rule or ordinance creating the district.³¹ Each landowner is entitled to one vote for each acre owned.³² The top two candidates are elected to 4-year terms, while the next three candidates are elected to 2-year terms.³³ A new board election, held among the qualified electors of the district, occurs when either the board proposes to exercise its ad valorem taxing authority or 6 years after the formation of the district (10 years for districts exceeding 5,000 acres).³⁴ Elections of board members by qualified electors are non-partisan general elections conducted by the supervisor of elections.³⁵

Financial Reporting by a CDD

CDDs are subject to the financial reporting requirements of Chapters, 189, 190, and 218, F.S.³⁶ The district manager is responsible for drafting a proposed budget on or before June 15 of each year.³⁷ The board of the CDD considers the proposed budget, makes amendments as necessary, and adopts the budget by resolution.³⁸ After the board adopts the budget, a public hearing on the budget is held and the board may make further changes as it deems necessary.³⁹ At least 60 days prior to adoption, the district is required to submit its budget to the local government entities having jurisdiction over the area.⁴⁰ This submission is for the purposes of disclosure and information only, but the local government entities may submit written comments to the CDD

²⁹ Id.

³⁵ Section 190.006(3)(b), F.S. The statute does not specify which supervisor of elections conducts the board election if the district encompasses property in more than one county.

³⁹ Id.

²⁶ Section 190.005(2)(f), F.S.

²⁷ Section 190.005(2)(e), F.S.

²⁸ Section 190.006(1), F.S.

³⁰ Sections 190.005(1)(a)3., and 190.005(2)(a), F.S.

³¹ Section 190.006(2)(a), F.S.

³² Section 190.006(2)(b), F.S.

³³ Id.

 $^{^{34}}$ Sections 190.006(3)(a)1.-2., F.S. For CDDs with less than certain minimum numbers of qualified electors after 6 or 10 years, as applicable, the district landowners shall continue to elect the board members (s. 190.006(3)(a)2.a., F.S.) until the number of qualified electors in the district exceeds the statutory minimum (s. 190.006(3)(a)2.b., F.S.).

³⁶ Sections 189.013 and 190.008(1), F.S.

³⁷ Section 190.008(2)(a), F.S.

³⁸ Id.

⁴⁰ Section 190.008(2)(b), F.S.

board.⁴¹ CDDs are also required to take affirmative steps to provide full disclosure of information related to public financing and maintenance of improvements constructed by the district.⁴² The district must provide any developer of residential property in the district with sufficient copies of this information to be able to provide a copy to each prospective initial purchaser of property.⁴³ Districts must file disclosures of this information in the property records of each county in which the district is located.⁴⁴ The Department of Economic Opportunity (DEO) is required to keep a current list of districts and their disclosures of public financing.⁴⁵

CDDs, like other special districts, also must comply with the annual financial reporting and financial audit reporting requirements of Chapter 218, F.S.⁴⁶ A CDD with revenues or total expenditures or expenses in excess of \$100,000 is required to have an annual audit conducted by an independent certified public accountant.⁴⁷ The auditor shall review the financial accounts and records of the district, reports on compliance and internal control, management letters, and financial statements, as required by rules adopted by the Auditor General.⁴⁸ The auditor must present these findings to the chair of the district's governing board and submit a copy of the report to the Auditor General.⁴⁹ The audit report is a public record once the report is submitted by the auditor to the district.⁵⁰ All CDDs are required to file an annual financial report with the Department of Financial Services.⁵¹

Expansion or Contraction of a CDD

A landowner or the board of a CDD may petition for the boundaries of the district to be expanded or contracted.⁵² This petition must contain the same information as is required to form a district and follows the same hearing process.⁵³ If the petition seeks to expand the district boundaries, the petition must include a proposed timetable for the construction of any district services in the new area, the estimated cost of constructing the proposed services, and the designation of the future land use plan for the area from the relevant local government local comprehensive plan.⁵⁴ If the petition seeks to contract the district to the removed area, as well as the future land use plan for the area from the relevant local government local comprehensive plan.⁵⁵

- ⁴³ *Id*.
- ⁴⁴ Id.

- ⁵³ Sections 190.046(1)(a)-(d), F.S.
- ⁵⁴ Section 190.046(1)(a), F.S.

⁴¹ Section 190.008(2)(b)-(c), F.S.

⁴² Section 190.009(1), F.S.

⁴⁵ Section 190.009(2), F.S.

⁴⁶ Sections 189.016(9), F.S. and 190.008(1), F.S.

⁴⁷ Section 218.39(1), F.S. An entity is exempt from this requirement if it is informed by the first day of the fiscal year that the Auditor General will be conducting an audit of the entity for that fiscal year.

⁴⁸ Section 218.39(2), F.S. The rules of the Auditor General are Rules 10.550, 10.650, 10.700, 10.800, and 10.850, F.A.C. *See* Rule 61H1-20.0093, F.A.C.

⁴⁹ Sections 218.39(5) and (7), F.S.

⁵⁰ See s. 119.0713(3), F.S.

⁵¹ Section 218.32(1)(a), F.S.

⁵² Section 190.046(1), F.S.

⁵⁵ Id.

For districts established by county ordinance, the petition for expansion or contraction must be filed with the county commission; there is no filing fee requirement.⁵⁶ The county commission then conducts a public hearing on the petition in the same manner as for other ordinance amendments. For districts established by FLWAC rule, the petitioner must pay a \$1,500 filing fee to each county or municipality in which the proposed resulting CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district, and the required public meeting is conducted by the board of the CDD instead of a hearing officer.⁵⁷

The amount of land that can be added to a CDD is restricted. Whether a district was initially established by FLWAC rule or county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of fifty percent of the land area of the initial district or 1,000 acres.⁵⁸

Merger of a CDD

A CDD may be merged with another CDD with the filing of a petition for merger that states the elements for establishing a new CDD, including being evaluated by the criteria for creating a new district and the submission of the filing fee.⁵⁹ The petition must state whether one of the existing districts will be considered the surviving district or if a new district is being created.⁶⁰ A CDD may also be merged with other types of special districts using the process for creating a new district, with the CDD inheriting the rights and associated obligations of property and creditors of the merged special district(s).⁶¹ A CDD merging with another type of special district is required to enter a merger agreement to allocate indebtedness to be assumed by the new CDD and the process for retiring the debt.⁶² The approval of the merger agreement and the petition by the board of supervisors of the CDD is deemed to constitute the consent of the district landowners.⁶³

A CDD may also be merged with up to four other CDDs created by the same local generalpurpose government, as long as the membership of each board of directors is composed entirely of qualified electors.⁶⁴ This method may be used even if the merged district would have been required to receive FLWAC approval if the CDD was being newly created. The filing of a petition approved by the board of each CDD applying constitutes consent of the landowners within each district.

The CDDs planning to merge must meet the requirements of s. 190.046(3), F.S. and must enter into a merger agreement specifying that:⁶⁵

• The merged district's board will consist of five members;

⁶⁰ *Id*.

⁵⁶ Section 190.046(1)(b), F.S.

⁵⁷ Section 190.046(1)(d)1.-4., F.S.

⁵⁸ Section 190.046(1)(e), F.S.

⁵⁹ Section 190.046(3), F.S.

 $^{^{61}}$ Id.

⁶² Id.

⁶³ Id.

⁶⁴ Section 190.046(4)(a), F.S.

⁶⁵ Section 190.046(4)(b), F.S.
- Each at-large member of the merged district's board represents the entire district;
- Each former district is entitled to elect at least one board member from its former boundary;
- The members of the merged district's interim board will consist of:
 - If two CDDs merge, two members from each former district and one at-large member
 - If three CDDs merge, one member from each former district and two at-large members
 - If four CDDs merge, one member from each former district and one at-large member
 - $\circ~$ If five CDDs merge, one member from each former district; and
- All pre-existing board members' terms will end at the next general election and a new board representing the entire district will be elected.

Before filing the merger petition, each CDD must hold a public hearing to take comment on the proposed merger, the merger agreement, and the assignment of board seats.⁶⁶ The hearing must be noticed at least 14 days beforehand. If any CDD withdraws after the public hearing, the remaining districts considering merger must hold a public hearing on a revised merger agreement between the remaining parties. The petition may not be filed for at least 30 days after the last public hearing.

Dissolution of a CDD

A CDD remains in existence unless the district is merged with another district, all community development services associated with the district have been transferred to a county or municipal government, or the district is dissolved as provided in statute.⁶⁷ A CDD may be dissolved in one of three ways:

- Automatic dissolution: If a landowner does not receive a development permit for some part of the area covered by the CDD within 5 years of the effective date of the rule or ordinance establishing the district, the CDD is automatically dissolved.⁶⁸
- Action by local government: If a CDD is declared inactive by DEO pursuant to s. 189.062, F.S., the county or municipal government that created the district must be informed and is required to take "appropriate action."⁶⁹
- Petition for dissolution: A CDD with no outstanding financial obligations and no operating or maintenance responsibilities may petition the authority that created the district to dissolve the district by appropriate action.⁷⁰ If a county or municipal government created the district, the CDD may be dissolved by a non-emergency ordinance.⁷¹ If the district was created by FLWAC rule, the CDD may petition the commission to repeal the rule.

⁶⁹ Section 190.046(9), F.S.

⁷¹ Id.

⁶⁶ Section 190.046(4)(c), F.S.

⁶⁷ Section 190.046(2), F.S.

⁶⁸ Section 190.046(8), F.S. This subsection also requires a "judge of the circuit shall cause a statement (of dissolution) to be filed in the public records." No guidance is provided as to whether a party must ask the court for the statement, who is authorized to ask, or the procedure to bring the matter before the court.

⁷⁰ Section 190.046(10), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 190.046, F.S., to provide that a petition to establish a new CDD of less than 2,500 acres located solely in one county or municipality may include a list of parcels adjacent to the district within the same county or municipality which the petitioner expects to add to the district boundaries within 10 years. The petition must include the legal description of the adjacent parcels of land, the name of the current landowners, the acreage of each parcel, and the current landowners of the filing of the petition, the date and time of the public hearing on the petition, and the name and address of the petitioner at least 14 days before the public hearing concerning the creation of the CDD. A parcel may only be included with written consent of the landowner.

After the district is established, a person may then petition the county or municipality to amend the boundaries of the CDD to include the previously identified parcel that was a proposed addition to the CDD before its establishment. A filing fee may not be charged for this petition. Additionally, each petition must include:

- A metes and bounds description of each parcel to be added;
- A new legal description by metes and bounds of the district with the added parcels;
- Written consent of all landowners of the parcels to be added;
- A map of the district including the parcels to be added;
- A description of the development proposed on each additional parcel; and
- A copy of the original petition identifying the parcel to be added.

Before filing the petition with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

Once the petition is determined to be sufficient and complete, the county or municipality must process the addition of the parcel to the CDD as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance, even if, after adding such parcels, the district exceeds 2,500 acres.

The petitioner shall publish a notice of the intent to amend the ordinance that establishes the district in a newspaper of general circulation in the proposed district. This notice shall be in addition to any notice required for the adoption of the ordinance amendment. The notice must be published at least 10 days before the scheduled hearing on the ordinance amendment and may be published in the section of the newspaper reserved for legal notices. The notice must include a general description of the land to be added to the district and the data and the time of the scheduled hearing to amend the ordinance. The petitioner must mail the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

The amendment of a district by the addition of a parcel does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, F.S., even if the total size of the district after the addition exceeds 5,000 acres. After adoption of the ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

The bill provides that this new method of adding lands to a district does not preclude the addition of lands using procedures in other provisions of s. 190.046, F.S.

Section 2 provides an effective date of 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Line 50 of the bill states the petition may include parcels the district expects to add "within the next 10 years." It is unclear if this time period refers to 10 years after the date of the petition or 10 years after the creation of the district.

Line 62 states that "a person" may petition the county or municipality to amend the boundaries of the CDD to annex property included in the petition creating the district. It is unclear if this provision could be exercised by persons other than the board of the district or the landowner of the property to be added.

Similarly, line 79 states that the "person" must provide the petition to the CDD and to the owner of the proposed additional parcel before filing the county or municipality if the owner is not the petitioner.

Lines 89-93 require the petitioner for annexation to publish notice of intent to amend the ordinance that created the district to include the annexed parcels. It may provide greater clarity to require the county to publish notice of the intent to amend the ordinance, with any associated expenses being paid by the petitioner.

VIII. Statutes Affected:

This bill substantially amends section 190.046 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.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

SB 1348

By Senator Perry

8-01270-18 20181348 1 A bill to be entitled 2 An act relating to community development districts; amending s. 190.046, F.S.; authorizing adjacent lands 3 located within the county or municipality which a petitioner anticipates adding to the boundaries of a new community development district to also be identified in a petition to establish the new district under certain circumstances; providing requirements ç for the petition; providing notification requirements 10 for the petition; prohibiting a parcel from being 11 included in the district without the written consent 12 of the owner of the parcel; authorizing a person to 13 petition the county or municipality to amend the boundaries of the district to include a certain parcel 14 15 after establishment of the district; prohibiting a 16 filing fee for such petition; providing requirements 17 for the petition; requiring the person to provide the 18 petition to the district and to the owner of the 19 proposed additional parcel before filing the petition 20 with the county or municipality; requiring the county 21 or municipality to process the addition of the parcel 22 to the district as an amendment to the ordinance that 23 establishes the district once the petition is 24 determined sufficient and complete; authorizing the 2.5 county or municipality to process all such petitions 26 even if the addition exceeds specified acreage; 27 providing notice requirements for the intent to amend 28 the ordinance establishing the district; providing 29 that the amendment of a district by the addition of a Page 1 of 4

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

8-01270-18 20181348 30 parcel does not alter the transition from landowner 31 voting to gualified elector voting; requiring the 32 petitioner to cause to be recorded a certain notice of 33 boundary amendment upon adoption of the ordinance 34 expanding the district; providing construction; 35 providing an effective date. 36 37 Be It Enacted by the Legislature of the State of Florida: 38 39 Section 1. Paragraph (h) is added to subsection (1) of 40 section 190.046, Florida Statutes, to read: 41 190.046 Termination, contraction, or expansion of district.-42 43 (1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the 44 45 following manner: (h) For a petition to establish a new community development 46 district of less than 2,500 acres on land located solely in one 47 48 county or one municipality, adjacent lands located within the 49 county or municipality which the petitioner anticipates adding to the boundaries of the district within the next 10 years may 50 51 also be identified. If such adjacent land is identified, the 52 petition must include a legal description of each additional 53 parcel within the adjacent land, the current owner of the 54 parcel, the acreage of the parcel, and the current land use 55 designation of the parcel. At least 14 days before the hearing 56 required under s. 190.005(2)(b), the petitioner must give the 57 current owner of each such parcel notice of filing the petition 58 to establish the district, the date and time of the public Page 2 of 4

SB 1348

 8-01270-18 20181348		
 petitioner. A parcel may not be included in the district without the written consent of the owner of the parcel. 1. After establishment of the district, a person may petition the county or municipality to amend the boundaries of the district to include a previously identified parcel that was a proposed addition to the district before its establishment. A filing fee may not be charged for this petition. Each such petition must include: a. A legal description by metes and bounds of the parcel to be added; b. A new legal description by metes and bounds of the district; c. Written consent of all owners of the parcel to be added; d. A map of the district including the parcel to be added; e. A description of the development proposed on the additional parcel; and f. A copy of the original petition identifying the parcel to be added. 2. Before filing with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner. 3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district. The county or municipality may process 		8-01270-18 20181348_
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 d. A map of the district including the parcel to be added; e. A description of the development proposed on the additional parcel; and f. A copy of the original petition identifying the parcel to be added. 2. Before filing with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner. 3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district. The county or municipality may process all petitions to amend the ordinance for parcels identified in 	71	district;
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additional parcel; andf. A copy of the original petition identifying the parcelto be added.2. Before filing with the county or municipality, theperson must provide the petition to the district and to theowner of the proposed additional parcel, if the owner is not thepetitioner.3. Once the petition is determined sufficient and complete,the county or municipality must process the addition of theparcel to the district as an amendment to the ordinance thatestablishes the district. The county or municipality may processall petitions to amend the ordinance for parcels identified in	73	d. A map of the district including the parcel to be added;
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79 person must provide the petition to the district and to the 80 owner of the proposed additional parcel, if the owner is not the 91 petitioner. 82 <u>3. Once the petition is determined sufficient and complete,</u> 83 the county or municipality must process the addition of the 94 parcel to the district as an amendment to the ordinance that 95 establishes the district. The county or municipality may process 86 all petitions to amend the ordinance for parcels identified in	77	to be added.
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<pre>84 parcel to the district as an amendment to the ordinance that 85 establishes the district. The county or municipality may process 86 all petitions to amend the ordinance for parcels identified in</pre>	82	3. Once the petition is determined sufficient and complete,
<pre>85 establishes the district. The county or municipality may process 86 all petitions to amend the ordinance for parcels identified in</pre>	83	the county or municipality must process the addition of the
86 all petitions to amend the ordinance for parcels identified in	84	parcel to the district as an amendment to the ordinance that
	85	establishes the district. The county or municipality may process
87 the original petition, even if, by adding such parcels, the	86	all petitions to amend the ordinance for parcels identified in
	87	the original petition, even if, by adding such parcels, the

Page 3 of 4

 $\textbf{CODING: Words } \underline{stricken} \text{ are deletions; words } \underline{underlined} \text{ are additions.}$

	8-01270-18 20181348
88	district exceeds 2,500 acres.
89	4. The petitioner shall cause to be published in a
90	newspaper of general circulation in the proposed district a
91	notice of the intent to amend the ordinance that establishes the
92	district, which notice shall be in addition to any notice
93	required for adoption of the ordinance amendment. Such notice
94	must be published at least 10 days before the scheduled hearing
95	on the ordinance amendment and may be published in the section
96	of the newspaper reserved for legal notices. The notice must
97	include a general description of the land to be added to the
98	district and the date and time of the scheduled hearing to amend
99	the ordinance. The petitioner shall mail the notice of the
100	hearing on the ordinance amendment to the owner of the parcel
101	and to the district at least 14 days before the scheduled
102	hearing.
103	5. The amendment of a district by the addition of a parcel
104	pursuant to this paragraph does not alter the transition from
105	landowner voting to qualified elector voting pursuant to s.
106	190.006, even if the total size of the district after the
107	addition of the parcel exceeds 5,000 acres. Upon adoption of the
108	ordinance expanding the district, the petitioner must cause to
109	be recorded a notice of boundary amendment which reflects the
110	new boundaries of the district.
111	6. This paragraph is intended to facilitate the orderly
112	addition of lands to a district under certain circumstances and
113	does not preclude the addition of lands to any district using
114	the procedures in the other provisions of this section.
115	Section 2. This act shall take effect July 1, 2018.
	Page 4 of 4

 $\textbf{CODING: Words } \underline{stricken} \text{ are deletions; words } \underline{underlined} \text{ are additions.}$

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

	Prepared By	y: The Pro	fessional Staff	f of the Committee	on Community Af	fairs
BILL:	SB 1244					
INTRODUCER:	Senator Lee					
SUBJECT:	Developments	s of Regi	onal Impact			
DATE:	January 22, 20	018	REVISED:			
ANAL	YST	STAFF I	DIRECTOR	REFERENCE		ACTION
. Cochran		Yeatman	1	CA	Pre-meeting	
2.				ATD		
3.				AP		

I. Summary:

SB 1244 makes several changes to the state's development of regional impact (DRI) statutes after the program was ended in 2015. Specifically, the bill:

- Deletes obsolete language for the application and review of DRIs;
- Changes the process for existing DRIs to change a development order;
- Retains 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;
- Repeals the Florida Quality Developments (FQD) program and allows FQD development orders to be replaced by local government development orders; and
- Makes technical and conforming changes.

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 statute³ and rules adopted by the Administration Commission⁴ were required to undergo DRI review, unless the Legislature provided an exemption for that particular type of project, the development was located within a "dense urban land area,"⁵ or the development was located in a planning area receiving a legislative exemption such as a sector plan or a rural land stewardship area. The types of developments required to undergo DRI review upon meeting the specified thresholds 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 surpass in order to trigger DRI review.

Florida's 11 RPCs 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 the 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 used the pre-application conference to identify issues and to coordinate 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

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 Rule 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.

⁶ Section 380.0651, F.S.

⁷ Section 380.06(7), F.S.

planning agency (DEO). The RPC reviewed the application for sufficiency and could request additional information (no more than twice) if the application was deemed insufficient.⁸

When the RPC determined 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
- In reviewing the first two issues, whether the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.¹¹

If the proposed project will 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 jurisdiction. 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 could not offer conflicting recommendations.¹³ Finally, the state land planning agency also reviewed DRIs for compliance with state laws and 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 its 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

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)(b), F.S.

¹³ Id.

¹⁴ See Senate Interim Report 2012-114, The Development of Regional Impact Process, Sept. 2011.

¹⁵ Section 380.06(13), F.S. DRIs located in areas of critical state concern must also comply with the land development regulations in s. 380.05, F.S.

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. 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.¹⁶ An "aggrieved or adversely affected party" could appeal and challenge the consistency of a development order with the local comprehensive plan.¹⁷

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, resulting in costs totaling in the millions of dollars.

Substantial Deviation

After a development order was issued, any proposed change to a previously approved DRI development order that 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, constitutes a "substantial deviation" and requires such proposed change to be subject to further DRI review. To determine whether a proposed change requires further DRI review, Florida law establishes the following:

- 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.

In addition, Florida law directs DEO to establish by rule standard forms for submittal of proposed changes to a previously approved DRI development order. At a minimum, the form must require 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 DEO.

After the developer submits the form, the appropriate regional planning agency or DEO must review the proposed change and, no later than 45 days after submittal of the proposed change, must advise the local government in writing whether it objects to the proposed change, specifying the reasons for its objection, and must provide a copy to the developer.

In addition, the local government must give 15 days' notice and schedule a public hearing to consider the change. This public hearing must be held within 60 days after submittal of the proposed changes, unless the developer wishes to extend the time.

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

¹⁶ Section 380.07(2), F.S.

¹⁷ Section 163.3215, F.S.

If the local government determines that the proposed change does not require further DRI review and is otherwise approved, the local government must issue 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 does require further DRI review, the local government must determine whether to approve, approve with conditions, or deny the proposed change as it relates 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 have been enacted:

- 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 waterport or marina developments 2002; and
- The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S. 2005.

In 2009, the Legislature enacted the most significant exemption from the DRI program: the exemption for Dense Urban Land Areas (DULAs).¹⁸ 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.¹⁹

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.²⁰ 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.

¹⁸ Chapter 2009-96, L.O.F.

¹⁹ Department of Economic Opportunity, Community Planning, Development, and Services, Community Planning, *Community Planning Table of Content: 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-ofcontents/list-of-local-governments-qualifying-as-dense-urban-land-areas (last visited January 19, 2018).

²⁰ Chapter 1985-55, L.O.F.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.²¹ 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), the relevant Regional Planning Council (RPC), and adjacent local governments that request to participate in the review process.²²

The state and regional agencies review the proposed amendment for impacts related to their statutory purview. 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.²³ The DEO will compile reports from the various involved agencies and issue an Objections, Recommendation, and Comments Report.²⁴ The report is a consolidated report comprised of objections, recommendations, and comments from the involved agencies. Upon receipt of the reports from the various agencies, 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.²⁵ 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.²⁶

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

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments.²⁷ 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. The criteria is designed to enhance the developments, e.g., protect and preserve environmentally sensitive lands including wildlife habitat and wetlands; participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area; provide for construction and maintenance of all onsite infrastructure necessary to support the project; include open space, recreation areas,

²¹ Section 163.3174(4)(a), F.S.

²² Section 163.3184, F.S.

²³ Section 163.3184(3)(b)3.a., F.S.

²⁴ Florida Department of Economic Opportunity, State Coordinated Review Amendment Process, http://floridajobs.org/docs/default-source/2015-community-development/community-planning/compplan/statecoordinatedreviewprocessflowchart.pdf?sfvrsn=2 (last visited January 19, 2018).

²⁵ Section 163.3184(3)(c) and (4)(e), F.S.

²⁶ Id.

²⁷ Chapter 2011-14, L.O.F. See s. 163.3184(3) and (4), F.S.

Florida-friendly landscaping as defined in s. 373.185, F.S., and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project; and similar enhancements. The state land planning agency issues the development orders for FQDs. According to the Department's records, the last FQD development order was issued in 2002, which was also the last time an FQD development order was requested.²⁸

III. Effect of Proposed Changes:

The bill grants local governments the responsibility for implementation of amendments to DRIs and FQD development orders.

Section 1 amends s. 380.06, F.S., to retain statewide guidelines and standards and exemptions for DRIs to use them to determine whether a development is subject to the state coordinated review process. These guidelines will remain in effect unless repealed by statute. This section also:

- Deletes provisions that are obsolete with the removal if the DRI program;
- Maintains the guidelines and standards for thresholds that determine whether a development will be subject to state coordinated review;
- Preserves unexpired 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, time extensions previously granted by statute, agreements related to projects that include more than one DRI, and areawide DRI development orders;
- Gives local governments the authority to amend a binding letter of vested rights pursuant to its comprehensive plan and land development regulations upon request by the developer;
- Amends the provision regarding the local government development order; authorizing development within a portion of the DRI that is not directly affected by a proposed change to continue during the review of the proposed change, and provides that review is limited to impacts created by the proposed change;
- Revises the provision relating to credits against local impact fees. The adoption of a change to a development order for an approved DRI 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. The subsection adds mobility fees to the types of fees a developer can petition;
- Requires a developer to follow whatever reporting requirements are set by the local government with jurisdiction over the development. (The requirement used to be a biennial report submitted by the developer in alternate years as specified by the development order.);
- Amends the former substantial deviations subsection, now titled "changes." This section 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. There must be at least one public hearing for proposed changes, and the local governing body must approve any changes before it becomes effective. Development within a portion of the DRI

²⁸ Florida Department of Economic Opportunity, Senate Bill 1244 Analysis (December 22, 2017).

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 a phase date, buildout date, expiration date, or termination date may also extend any required mitigation (consistent with current law);

- 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;
- Moves the statutory exemptions, partial statutory exemptions, exemptions for DULAs from the DRI program to s. 380.0651, F.S., so they continue to be exempt from state coordinated review; and
- Prescribes that proposed developments that exceed the statewide guidelines and standards and are not otherwise exempt must be approved by a local government following the statewide coordinated review process in s. 163.3184(4), F.S.

Section 2 amends s. 380.061, F.S., and effectively repeals the FQD program, allowing FQD development orders to be replaced by local government development orders.

Section 3 amends s. 380.0651, F.S., maintaining the guidelines and standards formerly used for developments required to undergo DRI review. The guidelines and standards are retained to now determine whether developments are subject to state coordinated review. The following updates have been made to the relocated statutory exemptions:

- A provision that required an owner or developer to apply for a development permit if they wanted to rely on an exemption for a sports facility expansion has been deleted.
- An exemption for port transportation facilities and projects listed in s. 311.07, F.S., and intermodal transportation facilities identified in s. 311.09, F.S., was deleted.
- A previously approved solid mineral mine DRI development order will continue to have vested rights and will continue to be effective unless rescinded by the developer. Language was removed that said proposed changes to any previously approved solid mineral mine DRI development orders that vested were not subject to further review or approval as a DRI or notice of proposed change review or approval.
- A provision exempting 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, that is approved as a comprehensive plan amendment adopted pursuant to s. 163.3184(4), F.S., and that is the subject of an agreement pursuant to s. 288.106(5), F.S., has been deleted.

The exemption for dense urban land areas (DULAs) and partial statutory exemptions in this section are also existing statutory language, and have just been relocated. The following updates have been made to the relocated DULA exemptions:

- A provision requiring that a development located partially outside a DULA had to undergo DRI review has been deleted. Also deleted was language that allowed a DRI development order to be rescinded unless the portion of the development outside the exempt area met the threshold criteria of a DRI.
- A provision requiring local governments to submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable

DRI threshold and would require DRI review but for the exemption from the program has been deleted.

The section also repeals DRI aggregation criteria to allow local governments to set their own criteria.

Section 4 amends s. 380.07, F.S., removing DRIs from the Florida Land and Water Adjudicatory Commission's rulemaking authority. This provision provides that the state land planning agency may challenge a local order abandoning a DRI.

Section 5 amends s. 380.115, F.S., allowing developments that have received a DRI development order but are no longer required to undergo DRI review to elect to rescind the development order pursuant to certain procedures. Section 5 also adds that the local government issuing the development order must monitor the development and enforce the development order.

Section 7 amends s. 163. 3245, F.S., to correct cross references due to renumbering and provides that a development subject to a master plan remains subject to the master plan unless it is abandoned or rescinded.

Section 8 amends s. 163.3246, F.S., to correct a cross reference and delete a reference to DRI reviews.

Section 9 amends s. 189.08, F.S., allowing those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06, F.S. to use the most recent local government report required by s. 380.06(6), F.S. to the extent needed to submit its own public facilities report required by s. 189.08(2), F.S.

Section 11 amends s. 190.012, F.S., to delete a reference related to the FQD program.

Section 18 repeals s. 380.065, F.S., which governed the certification of local government review of development.

Section 21 repeals the rules adopted by the state land planning agency governing DRIs codified in chapter 73C-40, Florida Administrative Code.

Section 22 states that the Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" with "the date this act takes effect" wherever it occurs in this act.

Sections 6, 10, 12, 14, 15, 16, and 20 correct various cross references due to renumbering.

Sections 13, 17, and 19 amend various sections to delete references to the DRI program.

Section 23 provides that the act shall take effect upon becoming a law.

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 state land planning agency will have decreased review responsibilities over various processes for DRIs. Many of these responsibilities have been transferred to local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 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:**

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

None.

Β. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate

House

The Committee on Community Affairs (Lee) recommended the following:

Senate Amendment (with title amendment)

Between lines 210 and 211

insert:

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2 3

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9

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

10 district may commence a municipal conversion proceeding by

COMMITTEE AMENDMENT

Florida Senate - 2018 Bill No. SB 1244

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11	filing a petition with the governing body of the independent
12	special district proposed to be converted if the district meets
13	all of the following criteria:
14	(a) It was created by special act of the Legislature.
15	(b) It is designated as an improvement district and created
16	pursuant to chapter 298 or is designated as a stewardship
17	district and created pursuant to s. 189.031.
18	(c) Its governing board is elected.
19	(d) Its governing board agrees to the conversion.
20	(e) It provides at least four of the following municipal
21	services: water, sewer, solid waste, drainage, roads,
22	transportation, public works, fire and rescue, street lighting,
23	parks and recreation, or library or cultural facilities.
24	(f) No portion of the district is located within the
25	jurisdictional limits of a municipality.
26	(g) It meets the minimum population standards specified in
27	<u>s. 165.061(1)(b).</u>
28	
29	========== TITLE AMENDMENT===========
30	And the title is amended as follows:
31	Delete line 2
32	and insert:
33	An act relating to growth management; amending s.
34	165.0615, F.S.; adding a minimum population standard
35	as a criteria that must be met before qualified
36	electors of an independent special district commence a
37	certain municipal conversion proceeding;



LEGISLATIVE ACTION

Senate

House

The Committee on Community Affairs (Lee) recommended the following:

Senate Amendment

Delete lines 3038 - 3187

and insert:

1 2 3

8 9 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

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11 planning agency shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the 12 13 state land planning agency's opinion, the prescribed conditions 14 exist for an exemption under this paragraph. The local 15 government shall render the development order approving each 16 such expansion to the state land planning agency. The owner, 17 developer, or state land planning agency may appeal the local 18 government development order pursuant to s. 380.07 within 45 19 days after the order is rendered. The scope of review shall be 20 limited to the determination of whether the conditions 21 prescribed in this paragraph exist. If any sports facility 22 expansion undergoes development-of-regional-impact review, all 23 previous expansions that were exempt under this paragraph must 24 be included in the development-of-regional-impact review. 25 (h) Expansion to port harbors, spoil disposal sites, 26 navigation channels, turning basins, harbor berths, and other 27 related inwater harbor facilities of the ports specified in s. 28 403.021(9)(b), port transportation facilities and projects 29 listed in s. 311.07(3)(b), and intermodal transportation 30 facilities identified pursuant to s. 311.09(3) when such 31 expansions, projects, or facilities are consistent with port 32 master plans and are in compliance with s. 163.3178. 33 (i) Any proposed facility for the storage of any petroleum 34 product or any expansion of an existing facility. 35 (j) Any renovation or redevelopment within the same parcel 36 as the existing development if such renovation or redevelopment 37 does not change land use or increase density or intensity of 38 use. 39 (k) Waterport and marina development, including dry storage

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40	facilities.
41	(1) Any proposed development within an urban service area
42	boundary established under s. 163.3177(14), Florida
43	Statutes(2010), that is not otherwise exempt pursuant to
44	subsection (3), if the local government having jurisdiction over
45	the area where the development is proposed has adopted the urban
46	service area boundary and has entered into a binding agreement
47	with jurisdictions that would be impacted and with the
48	Department of Transportation regarding the mitigation of impacts
49	on state and regional transportation facilities.
50	(m) Any proposed development within a rural land
51	stewardship area created under s. 163.3248.
52	(n) The establishment, relocation, or expansion of any
53	military installation as specified in s. 163.3175.
54	(o) Any self-storage warehousing that does not allow retail
55	or other services.
56	(p) Any proposed nursing home or assisted living facility.
57	(q) Any development identified in an airport master plan
58	and adopted into the comprehensive plan pursuant to s.
59	<u>163.3177(6)(b)4.</u>
60	(r) Any development identified in a campus master plan and
61	adopted pursuant to s. 1013.30.
62	(s) Any development in a detailed specific area plan
63	prepared and adopted pursuant to s. 163.3245.
64	(t) Any proposed solid mineral mine and any proposed
65	addition to, expansion of, or change to an existing solid
66	mineral mine. A mine owner must, however, enter into a binding
67	agreement with the Department of Transportation to mitigate
68	impacts to strategic intermodal system facilities. Proposed



69	changes to any previously approved solid mineral mine
70	development-of-regional-impact development orders having vested
71	rights are not subject to further review or approval as a
72	development-of-regional-impact or notice-of-proposed-change
73	review or approval pursuant to subsection (19), except for those
74	applications pending as of July 1, 2011, which are governed by
75	s. 380.115(2). Notwithstanding this requirement, pursuant to s.
76	380.115(1), a previously approved solid mineral mine
77	development-of-regional impact development order continues to
78	have vested rights and continues to be effective unless
79	rescinded by the developer. All local government regulations of
80	proposed solid mineral mines are applicable to any new solid
81	mineral mine or to any proposed addition to, expansion of, or
82	change to an existing solid mineral mine.
83	(u) Notwithstanding any provision in an agreement with or
84	among a local government, regional agency, or the state land
85	planning agency or in a local government's comprehensive plan to
86	the contrary, a project no longer subject to development-of
87	regional-impact review under the revised thresholds specified in
88	s. 380.06(2)(b) and this section.
89	(v) Any development within a county that has a research and
90	education authority created by special act and which is also
91	within a research and development park that is operated or
92	managed by a research and development authority pursuant to part
93	V of chapter 159.
94	(w) Any development in an energy economic zone designated
95	pursuant to s. 377.809 upon approval by its local governing
96	body.
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98	If a use is exempt from review pursuant to paragraphs (a)-(u),
99	but will be part of a larger project that is subject to review
100	pursuant to s. 380.06(12), the impact of the exempt use must be
101	included in the review of the larger project, unless such exempt
102	use involves a development that includes a landowner, tenant, or
103	user that has entered into a funding agreement with the state
104	land planning agency under the Innovation Incentive Program and
105	the agreement contemplates a state award of at least \$50
106	million.
107	(3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.
108	(a) The following are exempt from the requirements of s.
109	380.06:
110	1. Any proposed development in a municipality that has an
111	average of at least 1,000 people per square mile of land area
112	and a minimum total population of at least 5,000;
113	2. Any proposed development within a county, including the
114	municipalities located therein, having an average of at least
115	1,000 people per square mile of land area and the development is
116	located within an urban service area as defined in s. 163.3164
117	which has been adopted into the comprehensive plan as defined in
118	<u>s. 163.3164;</u>
119	3. Any proposed development within a county, including the
120	municipalities located therein, having a population of at least
121	900,000 and an average of at least 1,000 people per square mile
122	of land area, but which does not have an urban service area
123	designated in the comprehensive plan; and
124	4. Any proposed development within a county, including the
125	municipalities located therein, having a population of at least
126	1 million and the development is located within an urban service

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127 area as defined in s. 163.3164 which has been adopted into the 128 comprehensive plan. 129 130 The Office of Economic and Demographic Research within the 131 Legislature shall annually calculate the population and density 132 criteria needed to determine which jurisdictions meet the 133 density criteria in subparagraphs 1.-4. by using the most recent 134 land area data from the decennial census conducted by the Bureau 135 of the Census of the United States Department of Commerce and 136 the latest available population estimates determined pursuant to 137 s. 186.901. If any local government has had an annexation, 138 contraction, or new incorporation, the Office of Economic and 139 Demographic Research shall determine the population density 140 using the new jurisdictional boundaries as recorded in 141 accordance with s. 171.091. The Office of Economic and 142 Demographic Research shall annually submit to the state land 143 planning agency by July 1 a list of jurisdictions that meet the 144 total population and density criteria. The state land planning 145 agency shall publish the list of jurisdictions on its website 146 within 7 days after the list is received. The designation of 147 jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's 148 149 website. If a municipality that has previously met the criteria 150 no longer meets the criteria, the state land planning agency 151 must maintain the municipality on the list and indicate the year 152 the jurisdiction last met the criteria. However, any proposed 153 development of regional impact not within the established 154 boundaries of a municipality at the time the municipality last 155 met the criteria must meet the requirements of this section

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156	until the municipality as a whole meets the criteria. Any county
157	that meets the criteria must remain on the list. Any
158	jurisdiction that was placed on the dense urban land area list
159	before June 2, 2011, must remain on the list.
160	(b) If a municipality that does not qualify as a dense
161	urban land area pursuant to paragraph (a) designates any of the
162	following areas in its comprehensive plan, any proposed
163	development within the designated area is exempt from s. 380.06
164	unless otherwise required by part II of chapter 163:
165	1. Urban infill as defined in s. 163.3164;
166	2. Community redevelopment areas as defined in s. 163.340;
167	3. Downtown revitalization areas as defined in s. 163.3164;
168	4. Urban infill and redevelopment under s. 163.2517; or
169	5. Urban service areas as defined in s. 163.3164 or areas
170	within a designated urban service area boundary pursuant to s.
171	163.3177(14), Florida Statutes (2010).
172	(c) If a county that does not qualify as a dense urban land
173	area designates any of the following areas in its comprehensive
174	plan, any proposed development within the designated area is
175	exempt from the development-of-regional-impact process:
176	1. Urban infill as defined in s. 163.3164;
177	2. Urban infill and redevelopment pursuant to s. 163.2517;
178	or
179	3. Urban service areas as defined in s. 163.3164.
180	(d) If any portion of a development is located in an area
181	that is not exempt from review under s. 380.06, the development
182	must undergo review pursuant to that section.

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LEGISLATIVE ACTION

Senate

House

The Committee on Community Affairs (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 3599 - 3629

and insert:

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Section 8. Subsections (11), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.-

9 (11) If the local government of an area described in10 subsection (10) does not request that the state land planning

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11 agency review the developments of regional impact that are 12 proposed within the certified area, an application for approval 13 of a development order within the certified area <u>is shall be</u> 14 exempt from review under s. 380.06.

(12) A local government's certification shall be reviewed 15 by the local government and the state land planning agency as 16 17 part of the evaluation and appraisal process pursuant to s. 18 163.3191. Within 1 year after the deadline for the local 19 government to update its comprehensive plan based on the 20 evaluation and appraisal, the state land planning agency must 21 shall renew or revoke the certification. The local government's 22 failure to timely adopt necessary amendments to update its 23 comprehensive plan based on an evaluation and appraisal, which 24 are found to be in compliance by the state land planning agency, is shall be cause for revoking the certification agreement. The 25 state land planning agency's decision to renew or revoke is 26 27 shall be considered agency action subject to challenge under s. 28 120.569.

(14) It is the intent of the Legislature to encourage

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amending s. 163.3246, F.S.; conforming provisions to

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LEGISLATIVE ACTION .

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Senate

House

The Committee on Community Affairs (Simmons) recommended the
following:
Senate Amendment
Delete line 3207
and insert:
described in s. 369.316, unless any proposed development is
located in a county or municipality that has implemented all of
the following:

a. One or more alternative water supplies providing service within the Wekiva Study Area; and

b. One of the following adopted plans, which must be

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11	consistent with the local comprehensive plan:						
12	(I) A specific area plan;						
13	(II) A sector plan pursuant to s. 163.3245; or						
14	(III) A mobility plan pursuant to s. 163.3180; or						

SB 1244

4

By Senator Lee

20-00962-18 20181244 1 A bill to be entitled 2 An act relating to developments of regional impact; amending s. 380.06, F.S.; revising the statewide 3 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; 8 ç revising provisions relating to variations and 10 thresholds for such guidelines and standards; deleting 11 provisions relating to the issuance of binding 12 letters; specifying that previously issued letters 13 remain valid unless previously expired; specifying the 14 procedure for amending a binding letter of 15 interpretation; specifying that previously issued 16 clearance letters remain valid unless previously 17 expired; deleting provisions relating to 18 authorizations to develop, applications for approval 19 of development, concurrent plan amendments, 20 preapplication procedures, preliminary development 21 agreements, conceptual agency review, application 22 sufficiency, local notice, regional reports, and 23 criteria for the approval of developments inside and 24 outside areas of critical state concern; revising 25 provisions relating to local government development 26 orders; specifying that amendments to a development 27 order for an approved development may not alter the 28 dates before which a development would be subject to 29 downzoning, unit density reduction, or intensity Page 1 of 137

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

	20-00962-18 20181244
30	reduction, except under certain conditions; removing a
31	requirement that certain conditions of a development
32	order meet specified criteria; specifying that
33	construction of certain mitigation-of-impact
34	facilities is not subject to competitive bidding or
35	competitive negotiation for selection of a contractor
36	or design professional; removing requirements relating
37	to local government approval of developments of
38	regional impact that do not meet certain requirements;
39	removing a requirement that the Department of Economic
40	Opportunity and other agencies cooperate in preparing
41	certain ordinances; authorizing developers to record
42	notice of certain rescinded development orders;
43	specifying that certain agreements regarding
44	developments that are essentially built out remain
45	valid unless previously expired; deleting requirements
46	for a local government to issue a permit for a
47	development subsequent to the buildout date contained
48	in the development order; specifying that amendments
49	to development orders do not diminish or otherwise
50	alter certain credits for a development order exaction
51	or fee against impact fees, mobility fees, or
52	exactions; deleting a provision relating to the
53	determination of certain credits for impact fees or
54	extractions; deleting a provision exempting a
55	nongovernmental developer from being required to
56	competitively bid or negotiate construction or design
57	of certain facilities except under certain
58	circumstances; specifying that certain capital

Page 2 of 137

SB 1244

	20-00962-18 20181244				
59	contribution front-ending agreements remain valid				
60	unless previously expired; deleting a provision				
61	relating to local monitoring; revising requirements				
62	for developers regarding reporting to local				
63	governments and specifying that such reports are not				
64	required unless required by a local government with				
65	jurisdiction over a development; revising the				
66	requirements and procedure for proposed changes to a				
67	previously approved development of regional impact and				
68	deleting rulemaking requirements relating to such				
69	procedure; revising provisions relating to the				
70	approval of such changes; specifying that certain				
71	extensions previously granted by statute are still				
72	valid and not subject to review or modification;				
73	deleting provisions relating to determinations as to				
74	whether a proposed change is a substantial deviation;				
75	deleting provisions relating to comprehensive				
76	development-of-regional-impact applications and master				
77	plan development orders; specifying that certain				
78	agreements that include two or more developments of				
79	regional impact which were the subject of a				
80	comprehensive development-of-regional-impact				
81	application remain valid unless previously expired;				
82	deleting provisions relating to downtown development				
83	authorities; deleting provisions relating to adoption				
84	of rules by the state land planning agency; deleting				
85	statutory exemptions from development-of-regional-				
86	impact review; specifying that an approval of an				
87	authorized developer for an areawide development of				
	Page 3 of 137				
	CODING: Words stricken are deletions; words underlined are additions.				

	20-00962-18 20181244_
88	regional impact remains valid unless previously
89	expired; deleting provisions relating to areawide
90	developments of regional impact; deleting an
91	authorization for the state land planning agency to
92	adopt rules relating to abandonment of developments of
93	regional impact; requiring local governments to file a
94	notice of abandonment under certain conditions;
95	deleting an authorization for the state land planning
96	agency to adopt a procedure for filing such notice;
97	requiring a development-of-regional-impact development
98	order to be abandoned by a local government under
99	certain conditions; deleting a provision relating to
100	abandonment of developments of regional impact in
101	certain high-hazard coastal areas; authorizing local
102	governments to approve abandonment of development
103	orders for an approved development under certain
104	conditions; deleting a provision relating to rights,
105	responsibilities, and obligations under a development
106	order; deleting partial exemptions from development-of
107	regional-impact review; deleting exemptions for dense
108	urban land areas; specifying that proposed
109	developments that exceed the statewide guidelines and
110	standards and that are not otherwise exempt be
111	approved by local governments instead of through
112	<pre>specified development-of-regional-impact proceedings;</pre>
113	amending s. 380.061, F.S.; specifying that the Florida
114	Quality Developments program only applies to
115	previously approved developments in the program before
116	the effective date of the act; specifying a process
	Page 4 of 137

1	20-00962-18 20181244_
117	for local governments to adopt a local development
118	order to replace and supersede the development order
119	adopted by the state land planning agency for the
120	Florida Quality Developments; deleting program intent,
121	eligibility requirements, rulemaking authorizations,
122	and application and approval requirements and
123	processes; deleting an appeals process and the Quality
124	Developments Review Board; amending s. 380.0651, F.S.;
125	deleting provisions relating to the superseding of
126	guidelines and standards adopted by the Administration
127	Commission and the publishing of guidelines and
128	standards by the Administration Commission; conforming
129	a provision to changes made by the act; specifying
130	exemptions and partial exemptions from development-of-
131	regional-impact review; deleting provisions relating
132	to determining whether there is a unified plan of
133	development; deleting provisions relating to the
134	circumstances where developments should be aggregated;
135	deleting a provision relating to prospective
136	application of certain provisions; deleting a
137	provision authorizing state land planning agencies to
138	enter into agreements for the joint planning, sharing,
139	or use of specified public infrastructure, facilities,
140	or services by developers; deleting an authorization
141	for the state land planning agency to adopt rules;
142	amending s. 380.07, F.S.; deleting an authorization
143	for the Florida Land and Water Adjudicatory Commission
144	to adopt rules regarding the requirements for
145	developments of regional impact; revising when a local

Page 5 of 137

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	20-00962-18 20181244
146	government must transmit a development order to the
147	state land planning agency, the regional planning
148	agency, and the owner or developer of the property
149	affected by such order; deleting a process for
150	regional planning agencies to undertake appeals of
151	development-of-regional-impact development orders;
152	revising a process for appealing development orders
153	for consistency with a local comprehensive plan to be
154	available only for developments in areas of critical
155	state concern; deleting a procedure regarding certain
156	challenges to development orders relating to
157	developments of regional impact; amending s. 380.115,
158	F.S.; deleting a provision relating to changes in
159	development-of-regional-impact guidelines and
160	standards and the impact of such changes on vested
161	rights, duties, and obligations pursuant to any
162	development order or agreement; requiring local
163	governments to monitor and enforce development orders
164	and prohibiting local governments from issuing
165	permits, approvals, or extensions of services if a
166	developer does not act in substantial compliance with
167	an order; deleting provisions relating to changes in
168	development of regional impact guidelines and
169	standards and their impact on the development approval
170	process; amending s. 125.68, F.S.; conforming a cross-
171	reference; amending s. 163.3245, F.S.; conforming
172	cross-references; conforming provisions to changes
173	made by the act; revising the circumstances in which
174	applicants who apply for master development approval
	Page 6 of 137

SB 1244

	20-00962-18 20181244
204	represented by their owners or developers to be
205	separate developments, shall be aggregated; providing
206	a directive to the Division of Law Revision and
207	Information; providing an effective date.
208	
209	Be It Enacted by the Legislature of the State of Florida:
210	
211	Section 1. Section 380.06, Florida Statutes, is amended to
212	read:
213	380.06 Developments of regional impact
214	(1) DEFINITIONThe term "development of regional impact,"
215	as used in this section, means any development $\underline{\text{that}}$ which,
216	because of its character, magnitude, or location, would have a
217	substantial effect upon the health, safety, or welfare of
218	citizens of more than one county.
219	(2) STATEWIDE GUIDELINES AND STANDARDS
220	(a) The statewide guidelines and standards and the
221	exemptions specified in s. 380.0651 and the statewide guidelines
222	and standards adopted by the Administration Commission and
223	codified in chapter 28-24, Florida Administrative Code, must be
224	state land planning agency shall recommend to the Administration
225	Commission specific statewide guidelines and standards for
226	adoption pursuant to this subsection. The Administration
227	Commission shall by rule adopt statewide guidelines and
228	standards to be used in determining whether particular
229	developments are subject to the requirements of subsection (12)
230	shall undergo development of regional impact review. The
231	statewide guidelines and standards previously adopted by the
232	Administration Commission and approved by the Legislature shall
	Page 8 of 137
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20-00962-18 20181244 175 for an entire planning area must remain subject to a 176 master development order; specifying an exception; 177 deleting a provision relating to the level of review for applications for master development approval; 178 179 amending s. 163.3246, F.S.; deleting a provision under 180 which certain developments of regional impact proposed 181 within a certified area are exempt from development-182 of-regional-impact review; conforming provisions to 183 changes made by the act; conforming cross-references; 184 amending s. 189.08, F.S.; conforming a cross-185 reference; conforming a provision to changes made by the act; amending s. 190.005, F.S.; conforming cross-186 references; amending ss. 190.012 and 252.363, F.S.; 187 188 conforming cross-references; amending s. 369.303, 189 F.S.; conforming a provision to changes made by the 190 act; amending ss. 369.307, 373.236, and 373.414, F.S.; 191 conforming cross-references; amending s. 378.601, 192 F.S.; conforming a provision to changes made by the 193 act; repealing s. 380.065, F.S., relating to a process 194 to allow local governments to request certification to 195 review developments of regional impact that are 196 located within their jurisdictions in lieu of the 197 regional review requirements; amending ss. 380.11 and 198 403.524, F.S.; conforming cross-references; repealing 199 specified rules regarding uniform review of 200 developments of regional impact by the state land 201 planning agency and regional planning agencies; 202 repealing the rules adopted by the Administration 203 Commission regarding whether two or more developments, Page 7 of 137

i	20-00962-18 20181244		I.	20-00962-18 20181244
233	remain in effect unless revised pursuant to this section or		262	(d) The statewide guidelines and standards shall be applied
234	superseded or repealed by statute by other provisions of law.		263	as follows:
235	(b) In adopting its guidelines and standards, the		264	(a) 1. Fixed thresholds
236	Administration Commission shall consider and shall be guided by:		265	a. A development that is below 100 percent of all numerical
237	1. The extent to which the development would create or		266	thresholds in the statewide guidelines and standards $\underline{is not}$
238	alleviate environmental problems such as air or water pollution		267	subject to subsection (12) is not required to undergo
239	or noise.		268	development-of-regional-impact review.
240	2. The amount of pedestrian or vehicular traffic likely to		269	(b) b. A development that is at or above $100 \ 120$ percent of
241	be generated.		270	any numerical threshold in the statewide guidelines and
242	3. The number of persons likely to be residents, employees,		271	standards is subject to subsection (12) shall be required to
243	or otherwise present.		272	undergo development-of-regional-impact review.
244	4. The size of the site to be occupied.		273	c. Projects certified under s. 403.973 which create at
245	5. The likelihood that additional or subsidiary development		274	least 100 jobs and meet the criteria of the Department of
246	will be generated.		275	Economic Opportunity as to their impact on an area's economy,
247	6. The extent to which the development would create an		276	employment, and prevailing wage and skill levels that are at or
248	additional demand for, or additional use of, energy, including		277	below 100 percent of the numerical thresholds for industrial
249	the energy requirements of subsidiary developments.		278	plants, industrial parks, distribution, warehousing or
250	7. The unique qualities of particular areas of the state.		279	wholesaling facilitics, office development or multiuse projects
251	(c) With regard to the changes in the guidelines and		280	other than residential, as described in s. 380.0651(3)(c) and
252	standards authorized pursuant to this act, in determining		281	(f) are not required to undergo development-of-regional-impact
253	whether a proposed development must comply with the review		282	review.
254	requirements of this section, the state land planning agency		283	2. Rebuttable presumptionIt shall be presumed that a
255	shall apply the guidelines and standards which were in effect		284	development that is at 100 percent or between 100 and 120
256	when the developer received authorization to commence		285	percent of a numerical threshold shall be required to undergo
257	development from the local government. If a developer has not		286	development-of-regional-impact review.
258	received authorization to commence development from the local		287	(c) With respect to residential, hotel, motel, office, and
259	government prior to the effective date of new or amended		288	retail developments, the applicable guidelines and standards
260	guidelines and standards, the new or amended guidelines and		289	shall be increased by 50 percent in urban central business
261	standards shall apply.		290	districts and regional activity centers of jurisdictions whose
	Page 9 of 137			Page 10 of 137
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SB 1244

	20-00962-18 20181244		20-00962-18	20181244
91	local comprehensive plans are in compliance with part II of	320	any statewide quideline and standard. The st	ate land planning
92	chapter 163. With respect to multiuse developments, the	321	agency or the regional planning agency may p	etition for an
93	applicable individual use guidelines and standards for	322	increase or decrease for a particular local government's	
94	residential, hotel, motel, office, and retail developments and	323	jurisdiction or a part of a particular jurisdiction. A local	
95	multiuse guidelines and standards shall be increased by 100	324	government may petition for an increase or c	lecrease within its
6	percent in urban central business districts and regional	325	jurisdiction or a part of its jurisdiction.	A number of requests
97	activity centers of jurisdictions whose local comprehensive	326	may be combined in a single petition.	
8	plans are in compliance with part II of chapter 163, if one land	327	(a) When a petition is filed, the state	- land planning
9	use of the multiuse development is residential and amounts to	328	agency shall have no more than 180 days to p	repare and submit to
00	not less than 35 percent of the jurisdiction's applicable	329	the Administration Commission a report and a	ecommendations on
)1	residential threshold. With respect to resort or convention	330	the proposed variation. The report shall eva	luate, and the
2	hotel developments, the applicable guidelines and standards	331	Administration Commission shall consider, th	e following
)3	shall be increased by 150 percent in urban central business	332	criteria:	
)4	districts and regional activity centers of jurisdictions whose	333	1. Whether the local government has add	pted and effectively
)5	local comprehensive plans are in compliance with part II of	334	implemented a comprehensive plan that reflect	ts and implements
6	chapter 163 and where the increase is specifically for a	335	the goals and objectives of an adopted state	- comprehensive plan.
)7	proposed resort or convention hotel located in a county with a	336	2. Any applicable policies in an adopte	d strategic regional
8	population greater than 500,000 and the local government	337	policy plan.	
9	specifically designates that the proposed resort or convention	338	3. Whether the local government has add	pted and effectively
0	hotel development will serve an existing convention center of	339	implemented both a comprehensive set of land	l-development
.1	more than 250,000 gross square feet built before July 1, 1992.	340	regulations, which regulations shall include	- a planned unit
2	The applicable guidelines and standards shall be increased by	341	development ordinance, and a capital improve	ments plan that are
3	150 percent for development in any area designated by the	342	consistent with the local government compreh	ensive plan.
4	Governor as a rural area of opportunity pursuant to s. 288.0656	343	4. Whether the local government has add	pted and effectively
.5	during the effectiveness of the designation.	344	implemented the authority and the fiscal mee	hanisms for
6	(3) VARIATION OF THRESHOLDS IN STATEWIDE CUIDELINES AND	345	requiring developers to meet development ore	ler conditions.
7	STANDARDS. The state land planning agency, a regional planning	346	5. Whether the local government has add	pted and effectively
8	agency, or a local government may petition the Administration	347	implemented and enforced satisfactory develo	pment review
9	Commission to increase or decrease the numerical thresholds of	348	procedures.	
•	Page 11 of 137		Page 12 of 137	
c	CODING: Words stricken are deletions; words underlined are additions.	с	ODING: Words stricken are deletions; words <u>ur</u>	derlined are additions.
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349	(b) The affected regional planning agency, adjoining local		previously vested pursuant to subsection (8) (20) would divest	
350	governments, and the local government shall be given a	379	such rights, remains valid unless it expired on or before the	
351	reasonable opportunity to submit recommendations to the	380	effective date of this act the developer may request a	
352	Administration Commission regarding any such proposed	381	determination from the state land planning agency. The developer	
353	variations.	382	or the appropriate local government having jurisdiction may	
354	(c) The Administration Commission shall have authority to	383	request that the state land planning agency determine whether	
355	increase or decrease a threshold in the statewide guidelines and	384	the amount of development that remains to be built in an	
356	standards up to 50 percent above or below the statewide	385	approved development of regional impact meets the criteria of	
357	presumptive threshold. The commission may from time to time	386	subparagraph (15)(g)3.	
358	reconsider changed thresholds and make additional variations as	387	(b) Upon a request by the developer, a binding letter of	
359	it deems necessary.	388	interpretation regarding which rights had previously vested in a	
360	(d) The Administration Commission shall adopt rules setting	389	development of regional impact may be amended by the local	
361	forth the procedures for submission and review of petitions	390	government of jurisdiction, based on standards and procedures in	
362	filed pursuant to this subsection.	391	the adopted local comprehensive plan or the adopted local land	
363	(c) Variations to guidelines and standards adopted by the	392	development code, to reflect a change to the plan of development	
364	Administration Commission under this subsection shall be	393	and modification of vested rights, provided that any such	
365	transmitted on or before March 1 to the President of the Senate	394	amendment to a binding letter of vested rights must be	
366	and the Speaker of the House of Representatives for presentation	395	consistent with s. 163.3167(5). Review of a request for an	
367	at the next regular session of the Legislature. Unless approved	396	amendment to a binding letter of vested rights may not include a	
368	as submitted by general law, the revisions shall not become	397	review of the impacts created by previously vested portions of	
369	effective.	398	the development Unless a developer waives the requirements of	
370	(3)-(4)- BINDING LETTER	399	this paragraph by agreeing to undergo development-of-regional-	
371	(a) Any binding letter previously issued to a developer by	400	impact review pursuant to this section, the state land planning	
372	the state land planning agency as to If any developer is in	401	agency or local government with jurisdiction over the land on	
373	doubt whether his or her proposed development must undergo	402	which a development is proposed may require a developer to	
374	development-of-regional-impact review under the guidelines and	403	obtain a binding letter if the development is at a presumptive	
375	standards, whether his or her rights have vested pursuant to	404	numerical threshold or up to 20 percent above a numerical	
376	subsection (8) (20) , or whether a proposed substantial change to	405	threshold in the guidelines and standards.	
377	a development of regional impact concerning which rights had	406	(c) Any local government may petition the state land	
	Page 13 of 137		Page 14 of 137	

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SB 1244

20-00962-18	20181244	
planning agency to require a developer of a	-development located	4
in an adjacent jurisdiction to obtain a bind	ling letter of	4
interpretation. The petition shall contain f	facts to support a	4
finding that the development as proposed is	-a development of	4
regional impact. This paragraph shall not be	- construed to grant	4
standing to the petitioning local government	to initiate an	4
administrative or judicial proceeding pursua	ant to this chapter.	4
(d) A request for a binding letter of i	interpretation shall	4
be in writing and in such form and content a	as prescribed by the	4
state land planning agency. Within 15 days c	of receiving an	4
application for a binding letter of interpre	etation or a	4
supplement to a pending application, the sta	ate land planning	4
agency shall determine and notify the applic	cant whether the	4
information in the application is sufficient	to enable the	4
agency to issue a binding letter or shall re	equest any additional	4
information needed. The applicant shall eith	her provide the	4
additional information requested or shall no	stify the state land	4
planning agency in writing that the informat	tion will not be	4
supplied and the reasons therefor. If the ap	pplicant does not	4
respond to the request for additional inform	nation within 120	4
days, the application for a binding letter c	of interpretation	4
shall be deemed to be withdrawn. Within 35 d	lays after	4
acknowledging receipt of a sufficient applic	cation, or of	4
receiving notification that the information	will not be	4
supplied, the state land planning agency sha	all issue a binding	4
letter of interpretation with respect to the	> proposed	4
development. A binding letter of interpretat	tion issued by the	4
state land planning agency shall bind all st	tate, regional, and	4
local agencies, as well as the developer.		4
Page 15 of 127	'	
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	20-00962-18 20181244
436	(c) In determining whether a proposed substantial change to
437	a development of regional impact concerning which rights had
438	previously vested pursuant to subsection (20) would divest such
439	rights, the state land planning agency shall review the proposed
440	change within the context of:
441	1. Criteria specified in paragraph (19) (b);
442	2. Its conformance with any adopted state comprehensive
443	plan and any rules of the state land planning agency;
444	3. All rights and obligations arising out of the vested
445	status of such development;
446	4. Permit conditions or requirements imposed by the
447	Department of Environmental Protection or any water management
448	district created by s. 373.069 or any of their successor
449	agencies or by any appropriate federal regulatory agency; and
450	5. Any regional impacts arising from the proposed change.
451	(f) If a proposed substantial change to a development of
452	regional impact concerning which rights had previously vested
453	pursuant to subsection (20) would result in reduced regional
454	impacts, the change shall not divest rights to complete the
455	development pursuant to subsection (20). Furthermore, where all
456	or a portion of the development of regional impact for which
457	rights had previously vested pursuant to subsection (20) is
458	demolished and reconstructed within the same approximate
459	footprint of buildings and parking lots, so that any change in
460	the size of the development does not exceed the criteria of
461	paragraph (19)(b), such demolition and reconstruction shall not
462	divest the rights which had vested.
463	(c) (g) Every binding letter determining that a proposed
464	development is not a development of regional impact, but not
	Page 16 of 137

	20-00962-18 20181244
494	(5) AUTHORIZATION TO DEVELOP
495	(a)1. A developer who is required to undergo development-
496	of-regional-impact review may undertake a development of
497	regional impact if the development has been approved under the
498	requirements of this section.
499	2. If the land on which the development is proposed is
500	within an area of critical state concern, the development must
501	also be approved under the requirements of s. 380.05.
502	(b) State or regional agencies may inquire whether a
503	proposed project is undergoing or will be required to undergo
504	development-of-regional-impact review. If a project is
505	undergoing or will be required to undergo development-of-
506	regional impact review, any state or regional permit necessary
507	for the construction or operation of the project that is valid
508	for 5 years or less shall take effect, and the period of time
509	for which the permit is valid shall begin to run, upon
510	expiration of the time allowed for an administrative appeal of
511	the development or upon final action following an administrative
512	appeal or judicial review, whichever is later. However, if the
513	application for development approval is not filed within 18
514	months after the issuance of the permit, the time of validity of
515	the permit shall be considered to be from the date of issuance
516	of the permit. If a project is required to obtain a binding
517	letter under subsection (4), any state or regional agency permit
518	necessary for the construction or operation of the project that
519	is valid for 5 years or less shall take effect, and the period
520	of time for which the permit is valid shall begin to run, only
521	after the developer obtains a binding letter stating that the
522	project is not required to undergo development-of-regional-

Page 18 of 137

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20-00962-18 20181244 465 including binding letters of vested rights or of modification of 466 vested rights, shall expire and become void unless the plan of 467 development has been substantially commenced within: 468 1. Three years from October 1, 1985, for binding letters 469 issued prior to the effective date of this act; or 470 2. Three years from the date of issuance of binding letters 471 issued on or after October 1, 1985. 472 (d) (h) The expiration date of a binding letter begins τ 473 established pursuant to paragraph (g), shall begin to run after 474 final disposition of all administrative and judicial appeals of 475 the binding letter and may be extended by mutual agreement of the state land planning agency, the local government of 476 jurisdiction, and the developer. 477 478 (e) (i) In response to an inquiry from a developer or the 479 appropriate local government having jurisdiction, the state land 480 planning agency may issue An informal determination by the state 481 land planning agency, in the form of a clearance letter as to 482 whether a development is required to undergo development-of-483 regional-impact review or whether the amount of development that 484 remains to be built in an approved development of regional 485 impact, remains valid unless it expired on or before the 486 effective date of this act meets the criteria of subparagraph 487 (15) (g) 3. A clearance letter may be based solely on the 488 information provided by the developer, and the state land 489 planning agency is not required to conduct an investigation of 490 that information. If any material information provided by the 491 developer is incomplete or inaccurate, the clearance letter is 492 not binding upon the state land planning agency. A clearance 493 letter does not constitute final agency action. Page 17 of 137

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20-00962-18 20181244	1	20-00962-18 20181244
impact review or after the developer obtains a development order	552	permit shall not be effective for more than 8 years from the
pursuant to this section.	553	issuance of the final development order. Nothing in this
(c) Prior to the issuance of a final development order, the	554	paragraph shall be construed to alter or change any permitting
developer may elect to be bound by the rules adopted pursuant to	555	agency's authority to approve permits or to determine applicable
chapters 373 and 403 in effect when such development order is	556	criteria for longer periods of time.
issued. The rules adopted pursuant to chapters 373 and 403 in	557	(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
effect at the time such development order is issued shall be	558	PLAN AMENDMENTS
applicable to all applications for permits pursuant to those	559	(a) Prior to undertaking any development, a developer that
chapters and which are necessary for and consistent with the	560	is required to undergo development-of-regional-impact review
development authorized in such development order, except that a	561	shall file an application for development approval with the
later adopted rule shall be applicable to an application if:	562	appropriate local government having jurisdiction. The
1. The later adopted rule is determined by the rule-	563	application shall contain, in addition to such other matters as
adopting agency to be essential to the public health, safety, or	564	may be required, a statement that the developer proposes to
welfare;	565	undertake a development of regional impact as required under
2. The later adopted rule is adopted pursuant to s.	566	this section.
403.061(27);	567	(b) Any local government comprehensive plan amendments
3. The later adopted rule is being adopted pursuant to a	568	related to a proposed development of regional impact, including
subsequently enacted statutorily mandated program;	569	any changes proposed under subsection (19), may be initiated by
4. The later adopted rule is mandated in order for the	570	a local planning agency or the developer and must be considered
state to maintain delegation of a federal program; or	571	by the local governing body at the same time as the application
5. The later adopted rule is required by state or federal	572	for development approval using the procedures provided for local
law.	573	plan amendment in s. 163.3184 and applicable local ordinances,
(d) The provision of day care service facilities in	574	without regard to local limits on the frequency of consideration
developments approved pursuant to this section is permissible	575	of amendments to the local comprehensive plan. This paragraph
but is not required.	576	does not require favorable consideration of a plan amendment
	577	solely because it is related to a development of regional
Further, in order for any developer to apply for permits	578	impact. The procedure for processing such comprehensive plan
pursuant to this provision, the application must be filed within	579	amendments is as follows:
5 years from the issuance of the final development order and the	580	1. If a developer seeks a comprehensive plan amendment
Page 19 of 137	I	Page 20 of 137
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	20-00962-18 20181244			20-009
581	related to a development of regional impact, the developer must		610	local
582	so notify in writing the regional planning agency, the		611	for do
583	applicable local government, and the state land planning agency		612	compro
584	no later than the date of preapplication conference or the		613	Ę
585	submission of the proposed change under subsection (19).		614	develo
586	2. When filing the application for development approval or		615	the co
587	the proposed change, the developer must include a written		616	must i
588	request for comprehensive plan amendments that would be		617	-
589	necessitated by the development-of-regional-impact approvals		618	-
590	sought. That request must include data and analysis upon which		619	the do
591	the applicable local government can determine whether to		620	juriso
592	transmit the comprehensive plan amendment pursuant to s.		621	preapp
593	163.3184.		622	the re
594	3. The local government must advertise a public hearing on		623	agenci
595	the transmittal within 30 days after filing the application for		624	the ty
596	development approval or the proposed change and must make a		625	inform
597	determination on the transmittal within 60 days after the		626	applic
598	initial filing unless that time is extended by the developer.		627	requir
599	4. If the local government approves the transmittal,		628	levels
600	procedures set forth in s. 163.3184 must be followed.		629	with s
601	5. Notwithstanding subsection (11) or subsection (19), the		630	develo
602	local government may not hold a public hearing on the		631	proces
603	application for development approval or the proposed change or		632	issues
604	on the comprehensive plan amendments sooner than 30 days after		633	requir
605	reviewing agency comments are due to the local government		634	review
606	pursuant to s. 163.3184.		635	regare
607	6. The local government must hear both the application for		636	applic
608	development approval or the proposed change and the		637	not su
609	comprehensive plan amendments at the same hearing. However, the		638	unless
	Page 21 of 137		Į.	

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610	local government must take action separately on the application
611	for development approval or the proposed change and on the
612	comprehensive plan amendments.
613	7. Thereafter, the appeal process for the local government
614	development order must follow the provisions of s. 380.07, and
615	the compliance process for the comprehensive plan amendments
616	must follow the provisions of s. 163.3184.
617	(7) PREAPPLICATION PROCEDURES
618	(a) Before filing an application for development approval,
619	the developer shall contact the regional planning agency having
620	jurisdiction over the proposed development to arrange a
621	preapplication conference. Upon the request of the developer or
622	the regional planning agency, other affected state and regional
623	agencies shall participate in this conference and shall identify
624	the types of permits issued by the agencies, the level of
625	information required, and the permit issuance procedures as
626	applied to the proposed development. The levels of service
627	required in the transportation methodology shall be the same
628	levels of service used to evaluate concurrency in accordance
629	with s. 163.3180. The regional planning agency shall provide the
630	developer information about the development-of-regional-impact
631	process and the use of preapplication conferences to identify
632	issues, coordinate appropriate state and local agency
633	requirements, and otherwise promote a proper and efficient
634	review of the proposed development. If an agreement is reached
635	regarding assumptions and methodology to be used in the
636	application for development approval, the reviewing agencies may
637	not subsequently object to those assumptions and methodologies
638	unless subsequent changes to the project or information obtained

Page 22 of 137

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20-00962-18 20181244		20-00962-18 2018124
during the review make those assumptions and methodologies	66	
inappropriate. The reviewing agencies may make only	66	
recommendations or comments regarding a proposed development	67	
which are consistent with the statutes, rules, or adopted local	67	
government ordinances that are applicable to developments in the	67	
jurisdiction where the proposed development is located.	67	3 days after the execution of the agreement.
(b) The regional planning agency shall establish by rule a	67	4 2. The developer shall file an application for developmen
procedure by which a developer may enter into binding written	67	5 approval for the total proposed development within 3 months
agreements with the regional planning agency to eliminate	67	6 after execution of the agreement, unless the state land planni
questions from the application for development approval when	67	agency agrees to a different time for good cause shown. Failur
those questions are found to be unnecessary for development-of-	67	8 to timely file an application and to otherwise diligently
regional-impact review. It is the legislative intent of this	67	9 proceed in good faith to obtain a final development order shal
subsection to encourage reduction of paperwork, to discourage	68	0 constitute a breach of the preliminary development agreement.
unnecessary gathering of data, and to encourage the coordination	68	1 3. The agreement shall include maps and legal description
of the development-of-regional-impact review process with	68	2 of both the preliminary development area and the total propose
federal, state, and local environmental reviews when such	68	3 development area and shall specifically describe the prelimina
reviews are required by law.	68	4 development in terms of magnitude and location. The area
(c) If the application for development approval is not	68	5 approved for preliminary development must be included in the
submitted within 1 year after the date of the preapplication	68	6 application for development approval and shall be subject to t
conference, the regional planning agency, the local government	68	7 terms and conditions of the final development order.
having jurisdiction, or the applicant may request that another	68	8 4. The preliminary development shall be limited to lands
preapplication conference be held.	68	9 that the state land planning agency agrees are suitable for
(8) PRELIMINARY DEVELOPMENT AGREEMENTS	69	0 development and shall only be allowed in areas where adequate
(a) A developer may enter into a written preliminary	69	1 public infrastructure exists to accommodate the preliminary
development agreement with the state land planning agency to	69	2 development, when such development will utilize public
allow a developer to proceed with a limited amount of the total	69	3 infrastructure. The developer must also demonstrate that the
proposed development, subject to all other governmental	69	4 preliminary development will not result in material adverse
approvals and solely at the developer's own risk, prior to	69	5 impacts to existing resources or existing or planned facilitie
issuance of a final development order. All owners of the land in	69	6 5. The preliminary development agreement may allow
Page 23 of 137		Page 24 of 137

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	20-00962-18 20181244		20-00962-18 20181
7	development which is:	726	comply with any condition of the agreement, or if the agree
3	a. Less than 100 percent of any applicable threshold if the	727	was based on materially inaccurate information, the state 1
	developer demonstrates that such development is consistent with	728	planning agency may terminate the agreement or file suit to
	subparagraph 4.; or	729	enforce the agreement as provided in this section and s. 38
	b. Less than 120 percent of any applicable threshold if the	730	including a suit to enjoin all development.
2	developer demonstrates that such development is part of a	731	10. A notice of the preliminary development agreement
	proposed downtown development of regional impact specified in	732	be recorded by the developer in accordance with s. 28.222 w
	subsection (22) or part of any areawide development of regional	733	the clerk of the circuit court for each county in which lar
	impact specified in subsection (25) and that the development is	734	covered by the terms of the agreement is located. The notic
;	consistent with subparagraph 4.	735	shall include a legal description of the land covered by the
7	6. The developer and owners of the land may not claim	736	agreement and shall state the parties to the agreement, the
3	vested rights, or assert equitable estoppel, arising from the	737	of adoption of the agreement and any subsequent amendments,
	agreement or any expenditures or actions taken in reliance on	738	location where the agreement may be examined, and that the
)	the agreement to continue with the total proposed development	739	agreement constitutes a land development regulation applica
	beyond the preliminary development. The agreement shall not	740	to portions of the land covered by the agreement. The provi
2	entitle the developer to a final development order approving the	741	of the agreement shall inure to the benefit of and be bindi
3	total proposed development or to particular conditions in a	742	upon successors and assigns of the parties in the agreement
	final development order.	743	11. Except for those agreements which authorize prelim
5	7. The agreement shall not prohibit the regional planning	744	development for substantial deviations pursuant to subsecti
;	agency from reviewing or commenting on any regional issue that	745	(19), a developer who no longer wishes to pursue a developm
7	the regional agency determines should be included in the	746	of regional impact may propose to abandon any preliminary
	regional agency's report on the application for development	747	development agreement executed after January 1, 1985, inclu
)	approval.	748	those pursuant to s. 380.032(3), provided at the time of
)	8. The agreement shall include a disclosure by the	749	abandonment:
L	developer and all the owners of the land in the total proposed	750	a. A final development order under this section has be
2	development of all land or development within 5 miles of the	751	rendered that approves all of the development actually
	total proposed development in which they have an interest and	752	constructed; or
ł	shall describe such interest.	753	b. The amount of development is less than 100 percent
5	9. In the event of a breach of the agreement or failure to	754	all numerical thresholds of the guidelines and standards, a
	Page 25 of 137		Page 26 of 137
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	20-00962-18 20181244		20-00962-18	20181244_
755	the state land planning agency determines in writing that the	784	(a)1. In order to facilita	te the planning and preparation
756	development to date is in compliance with all applicable local	785	of permit applications for proj	ects that undergo development-of-
757	regulations and the terms and conditions of the preliminary	786	regional-impact review, and in	order to coordinate the
758	development agreement and otherwise adequately mitigates for the	787	information required to issue s	uch permits, a developer may
759	impacts of the development to date.	788	elect to request conceptual age	ncy review under this subsection
760		789	either concurrently with develo	pment-of-regional-impact review
761	In either event, when a developer proposes to abandon said	790	and comprehensive plan amendmen	ts, if applicable, or subsequent
762	agreement, the developer shall give written notice and state	791	to a preapplication conference	held pursuant to subsection (7).
763	that he or she is no longer proposing a development of regional	792	2. "Conceptual agency revi	ew" means general review of the
764	impact and provide adequate documentation that he or she has met	793	proposed location, densities, i	ntensity of use, character, and
765	the criteria for abandonment of the agreement to the state land	794	major design features of a prop	osed development required to
766	planning agency. Within 30 days of receipt of adequate	795	undergo review under this secti	on for the purpose of considering
767	documentation of such notice, the state land planning agency	796	whether these aspects of the pr	oposed development comply with
768	shall make its determination as to whether or not the developer	797	the issuing agency's statutes a	nd rules.
769	meets the criteria for abandonment. Once the state land planning	798	3. Conceptual agency revie	w is a licensing action subject
770	agency determines that the developer meets the criteria for	799	to chapter 120, and approval or	denial constitutes final agency
771	abandonment, the state land planning agency shall issue a notice	800	action, except that the 90-day	time period specified in s.
772	of abandonment which shall be recorded by the developer in	801	120.60(1) shall be tolled for t	he agency when the affected
773	accordance with s. 28.222 with the clerk of the circuit court	802	regional planning agency reques	ts information from the developer
774	for each county in which land covered by the terms of the	803	pursuant to paragraph (10)(b).	If proposed agency action on the
775	agreement is located.	804	conceptual approval is the subj	ect of a proceeding under ss.
776	(b) The state land planning agency may enter into other	805	120.569 and 120.57, final agene	y action shall be conclusive as
777	types of agreements to effectuate the provisions of this act as	806	to any issues actually raised a	nd adjudicated in the proceeding,
778	provided in s. 380.032.	807	and such issues may not be rais	ed in any subsequent proceeding
779	(c) The provisions of this subsection shall also be	808	under ss. 120.569 and 120.57 on	the proposed development by any
780	available to a developer who chooses to seek development	809	parties to the prior proceeding	÷
781	approval of a Florida Quality Development pursuant to s.	810	4. A conceptual agency rev	iew approval shall be valid for
782	380.061.	811	up to 10 years, unless otherwis	e provided in a state or regional
783	(9) CONCEPTUAL AGENCY REVIEW	812	agency rule, and may be reviewe	d and reissued for additional
	Page 27 of 137		Page 2	28 of 137

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	20-00962-18 20181244			20-00962-18 20181244_
813	periods of time under procedures established by the agency.	84	42	programs for each agency.
814	(b) The Department of Environmental Protection, each water	84	43	(d) At the conclusion of the conceptual agency review, the
815	management district, and each other state or regional agency	84	44	agency shall give notice of its proposed agency action as
816	that requires construction or operation permits shall establish	84	45	required by s. 120.60(3) and shall forward a copy of the notice
817	by rule a set of procedures necessary for conceptual agency	84	46	to the appropriate regional planning council with a report
818	review for the following permitting activities within their	84	47	setting out the agency's conclusions on potential development
819	respective regulatory jurisdictions:	84	48	impacts and stating whether the agency intends to grant
820	1. The construction and operation of potential sources of	84	49	conceptual approval, with or without conditions, or to deny
821	water pollution, including industrial wastewater, domestic	85	50	conceptual approval. If the agency intends to deny conceptual
822	wastewater, and stormwater.	85	51	approval, the report shall state the reasons therefor. The
823	2. Dredging and filling activities.	85	52	agency may require the developer to publish notice of proposed
824	3. The management and storage of surface waters.	85	53	agency action in accordance with s. 403.815.
825	4. The construction and operation of works of the district,	85	54	(e) An agency's decision to grant conceptual approval shall
826	only if a conceptual agency review approval is requested under	85	55	not relieve the developer of the requirement to obtain a permit
827	subparagraph 3.	85	56	and to meet the standards for issuance of a construction or
828		85	57	operation permit or to meet the agency's information
829	Any state or regional agency may establish rules for conceptual	85	58	requirements for such a permit. Nevertheless, there shall be a
830	agency review for any other permitting activities within its	85	59	rebuttable presumption that the developer is entitled to receive
831	respective regulatory jurisdiction.	86	60	a construction or operation permit for an activity for which the
832	(c)1. Each agency participating in conceptual agency	86	61	agency granted conceptual review approval, to the extent that
833	reviews shall determine and establish by rule its information	86	62	the project for which the applicant seeks a permit is in
834	and application requirements and furnish these requirements to	86	63	accordance with the conceptual approval and with the agency's
835	the state land planning agency and to any developer secking	86	64	standards and criteria for issuing a construction or operation
836	conceptual agency review under this subsection.	86	65	permit. The agency may revoke or appropriately modify a valid
837	2. Each agency shall cooperate with the state land planning	86	66	conceptual approval if the agency shows:
838	agency to standardize, to the extent possible, review	86	67	1. That an applicant or his or her agent has submitted
839	procedures, data requirements, and data collection methodologies	86	68	materially false or inaccurate information in the application
840	among all participating agencies, consistent with the	86	69	for conceptual approval;
841	requirements of the statutes that establish the permitting	87	70	2. That the developer has violated a condition of the
	Page 29 of 137			Page 30 of 137
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20-00962-18 20181244	20-00962-18 20181244
1 conceptual approval; or	900 needed to clarify the additional information or to answer new
3. That the development will cause a violation of the	901 questions raised by, or directly related to, the additional
agency's applicable laws or rules.	902 information. The regional planning agency may request additiona
(f) Nothing contained in this subsection shall modify or	903 information no more than twice, unless the developer waives the
abridge the law of vested rights or estoppel.	904 limitation. If an applicant does not provide the information
(g) Nothing contained in this subsection shall be construed	905 requested by a regional planning agency within 120 days of its
7 to preclude an agency from adopting rules for conceptual review	906 request, or within a time agreed upon by the applicant and the
for developments which are not developments of regional impact.	907 regional planning agency, the application shall be considered
(10) APPLICATION; SUFFICIENCY	908 withdrawn.
) (a) When an application for development approval is filed	909 (c) The regional planning agency shall notify the local
with a local government, the developer shall also send copies of	910 government that a public hearing date may be set when the
the application to the appropriate regional planning agency and	911 regional planning agency determines that the application is
the state land planning agency.	912 sufficient or when it receives notification from the developer
(b) If a regional planning agency determines that the	913 that the additional requested information will not be supplied
application for development approval is insufficient for the	914 as provided for in paragraph (b).
agency to discharge its responsibilities under subsection (12),	915 (11) LOCAL NOTICEUpon receipt of the sufficiency
it shall provide in writing to the appropriate local government	916 notification from the regional planning agency required by
and the applicant a statement of any additional information	917 paragraph (10) (c), the appropriate local government shall give
desired within 30 days of the receipt of the application by the	918 notice and hold a public hearing on the application in the sam
regional planning agency. The applicant may supply the	919 manner as for a rezoning as provided under the appropriate
information requested by the regional planning agency and shall	920 special or local law or ordinance, except that such hearing
communicate its intention to do so in writing to the appropriate	921 proceedings shall be recorded by tape or a certified court
local government and the regional planning agency within 5	922 reporter and made available for transcription at the expense o
working days of the receipt of the statement requesting such	923 any interested party. When a development of regional impact is
information, or the applicant shall notify the appropriate local	924 proposed within the jurisdiction of more than one local
government and the regional planning agency in writing that the	925 government, the local governments, at the request of the
requested information will not be supplied. Within 30 days after	926 developer, may hold a joint public hearing. The local governme
receipt of such additional information, the regional planning	927 shall comply with the following additional requirements:
agency shall review it and may request only that information	928 (a) The notice of public hearing shall state that the
Page 31 of 137	Page 32 of 137
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20-00962-18 20181244			20-00962-18 20181244
	9	58	 1. The development will have a favorable or unfavorable
impact review.	9	59	impact on state or regional resources or facilities identified
(b) The notice shall be published at least 60 days in	9	60	in the applicable state or regional plans. As used in this
advance of the hearing and shall specify where the information	9	61	subsection, the term "applicable state plan" means the state
and reports on the development of regional impact application	9	62	comprehensive plan. As used in this subsection, the term
may be reviewed.	9	63	"applicable regional plan" means an adopted strategic regional
(c) The notice shall be given to the state land planning	9	64	policy plan.
agency, to the applicable regional planning agency, to any state	9	65	2. The development will significantly impact adjacent
or regional permitting agency participating in a conceptual	9	66	jurisdictions. At the request of the appropriate local
agency review process under subsection (9), and to such other	9	67	government, regional planning agencies may also review and
persons as may have been designated by the state land planning	9	68	comment upon issues that affect only the requesting local
agency as entitled to receive such notices.	9	69	government.
(d) A public hearing date shall be set by the appropriate	9	70	3. As one of the issues considered in the review in
local government at the next scheduled meeting. The public	9	71	subparagraphs 1. and 2., the development will favorably or
hearing shall be held no later than 90 days after issuance of	9	72	adversely affect the ability of people to find adequate housing
notice by the regional planning agency that a public hearing may	9	73	reasonably accessible to their places of employment if the
be set, unless an extension is requested by the applicant.	9	74	regional planning agency has adopted an affordable housing
(12) REGIONAL REPORTS	9	75	policy as part of its strategic regional policy plan. The
(a) Within 50 days after receipt of the notice of public	9	76	determination should take into account information on factors
hearing required in paragraph (11)(c), the regional planning	9	77	that are relevant to the availability of reasonably accessible
agency, if one has been designated for the area including the	9	78	adequate housing. Adequate housing means housing that is
local government, shall prepare and submit to the local	9	79	available for occupancy and that is not substandard.
government a report and recommendations on the regional impact	9	80	(b) The regional planning agency report must contain
of the proposed development. In preparing its report and	9	81	recommendations that are consistent with the standards required
recommendations, the regional planning agency shall identify	9	82	by the applicable state permitting agencies or the water
regional issues based upon the following review criteria and	9	83	management district.
make recommendations to the local government on these regional	9	84	(c) At the request of the regional planning agency, other
issues, specifically considering whether, and the extent to	9	85	appropriate agencies shall review the proposed development and
which:	9	86	shall prepare reports and recommendations on issues that are
Page 33 of 137			Page 34 of 137
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20-00962-18 20181244	20-00962-18 20181244
clearly within the jurisdiction of those agencies. Such agency	1016 380.07, and 380.11.
reports shall become part of the regional planning agency	1017 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERNIf
report; however, the regional planning agency may attach	1018 the development is not located in an area of critical state
dissenting views. When water management district and Department	1019 concern, in considering whether the development is approved,
of Environmental Protection permits have been issued pursuant to	1020 denied, or approved subject to conditions, restrictions, or
chapter 373 or chapter 403, the regional planning council may	1021 limitations, the local government shall consider whether, and
comment on the regional implications of the permits but may not	1022 the extent to which:
offer conflicting recommendations.	1023 (a) The development is consistent with the local
(d) The regional planning agency shall afford the developer	1024 comprehensive plan and local land development regulations.
or any substantially affected party reasonable opportunity to	1025 (b) The development is consistent with the report and
present evidence to the regional planning agency head relating	1026 recommendations of the regional planning agency submitted
to the proposed regional agency report and recommendations.	1027 pursuant to subsection (12).
(e) If the location of a proposed development involves land	1028 (c) The development is consistent with the State
within the boundaries of multiple regional planning councils,	1029 Comprehensive Plan. In consistency determinations, the plan
the state land planning agency shall designate a lead regional	1030 shall be construed and applied in accordance with s. 187.101(3).
planning council. The lead regional planning council shall	1031
prepare the regional report.	1032 However, a local government may approve a change to a
(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERNIf the	1033 development authorized as a development of regional impact if
development is in an area of critical state concern, the local	1034 the change has the effect of reducing the originally approved
government shall approve it only if it complies with the land	1035 height, density, or intensity of the development and if the
development regulations therefor under s. 380.05 and the	1036 revised development would have been consistent with the
provisions of this section. The provisions of this section shall	1037 comprehensive plan in effect when the development was originally
not apply to developments in areas of critical state concern	1038 approved. If the revised development is approved, the developer
which had pending applications and had been noticed or agendaed	1039 may proceed as provided in s. 163.3167(5).
by local government after September 1, 1985, and before October	1040 (4) (15) LOCAL GOVERNMENT DEVELOPMENT ORDER
1, 1985, for development order approval. In all such cases, the	1041 (a) Notwithstanding any provision of any adopted local
state land planning agency may consider and address applicable	1042 comprehensive plan or adopted local government land development
regional issues contained in subsection (12) as part of its	1043 regulation to the contrary, an amendment to a development order
area-of-critical-state-concern review pursuant to ss. 380.05,	1044 for an approved development of regional impact adopted pursuant
Page 35 of 137	Page 36 of 137
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20-00962-18 20181244		20-00962-18 20181244
to subsection (7) may not alter the appropriate local government	1074	
shall render a decision on the application within 30 days after	1075	4. Shall specify the requirements for the biennial report
the hearing unless an extension is requested by the developer.	1076	designated under subsection (18), including the date of
(b) When possible, local governments shall issue	1077	submission, parties to whom the report is submitted, and
development orders concurrently with any other local permits or	1078	contents of the report, based upon the rules adopted by the
development approvals that may be applicable to the proposed	1079	state land planning agency. Such rules shall specify the scope
development.	1080	of any additional local requirements that may be necessary for
(c) The development order shall include findings of fact	1081	the report.
and conclusions of law consistent with subsections (13) and	1082	5. May specify the types of changes to the development
(14). The development order:	1083	which shall require submission for a substantial deviation
1. Shall specify the monitoring procedures and the local	1084	determination or a notice of proposed change under subsection
official responsible for assuring compliance by the developer	1085	(19).
with the development order.	1086	6. Shall include a legal description of the property.
2. Shall establish compliance dates for the development	1087	(d) Conditions of a development order that require a
order, including a deadline for commencing physical development	1088	developer to contribute land for a public facility or construct,
and for compliance with conditions of approval or phasing	1089	expand, or pay for land acquisition or construction or expansion
requirements, and shall include a buildout date that reasonably	1090	of a public facility, or portion thereof, shall meet the
reflects the time anticipated to complete the development.	1091	following criteria:
3. Shall establish a date until which the local government	1092	1. The need to construct new facilities or add to the
agrees that the approved development of regional impact \underline{will}	1093	present system of public facilities must be reasonably
shall not be subject to downzoning, unit density reduction, or	1094	attributable to the proposed development.
intensity reduction, unless the local government can demonstrate	1095	2. Any contribution of funds, land, or public facilities
that substantial changes in the conditions underlying the	1096	required from the developer shall be comparable to the amount of
approval of the development order have occurred or the	1097	funds, land, or public facilities that the state or the local
development order was based on substantially inaccurate	1098	government would reasonably expect to expend or provide, based
information provided by the developer or that the change is	1099	on projected costs of comparable projects, to mitigate the
clearly established by local government to be essential to the	1100	impacts reasonably attributable to the proposed development.
public health, safety, or welfare. The date established pursuant	1101	3. Any funds or lands contributed must be expressly
to this <u>paragraph may not be</u> subparagraph shall be no sooner	1102	designated and used to mitigate impacts reasonably attributable
Page 37 of 137		Page 38 of 137

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1070 information provided by the developer or that the change 1071 clearly established by local government to be essential 1072 public health, safety, or welfare. The date established 1073 to this paragraph may not be subparagraph shall be no

Page 37 of 137

20181244		20-00962-18 20181244_
	1132	development order a commitment by the local government to
c facility by a	1133	provide these facilities consistently with the development
a development order	1134	schedule approved in the development order; however, a local
ble to the proposed	1135	government's failure to meet the requirements of subparagraph 1.
dding or competitive	1136	and this subparagraph shall not preelude the issuance of a
design professional	1137	development order where adequate provision is made by the
	1138	developer for the public facilities needed to accommodate the
ot include $_{ au}$ as a	1139	impacts of the proposed development. Any funds or lands
t of regional	1140	contributed by a developer must be expressly designated and used
tribute or pay for	1141	to accommodate impacts reasonably attributable to the proposed
n of public	1142	development.
cal government has	1143	3. The Department of Economic Opportunity and other state
er development not	1144	and regional agencies involved in the administration and
oportionate share of	1145	implementation of this act shall cooperate and work with units
ary to accommodate	1146	of local government in preparing and adopting local impact fee
roposed development,	1147	and other contribution ordinances.
add to the present	1148	(c) (f) Notice of the adoption of an amendment a development
ly attributable to	1149	order or the subsequent amendments to an adopted development
	1150	order shall be recorded by the developer, in accordance with s.
professional for any	1151	28.222, with the clerk of the circuit court for each county in
the construction or	1152	which the development is located. The notice shall include a
nmental developer	1153	legal description of the property covered by the order and shall
lopment order to	1154	state which unit of local government adopted the development
to the proposed	1155	order, the date of adoption, the date of adoption of any
dding or competitive	1156	amendments to the development order, the location where the
rove a development	1157	adopted order with any amendments may be examined, and that the
te provision for the	1158	development order constitutes a land development regulation
impacts of the	1159	applicable to the property. The recording of this notice $\underline{\text{does}}$
ment includes in the	1160	shall not constitute a lien, cloud, or encumbrance on real
		Page 40 of 137
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20-00962-18

1103 to the proposed development. 1104 4. Construction or expansion of a publi 1105 nongovernmental developer as a condition of to mitigate the impacts reasonably attributa 1106 1107 development is not subject to competitive bi 1108 negotiation for selection of a contractor or 1109 for any part of the construction or design. 1110 (b) (c)-1. A local government may shall no 1111 development order condition for a development 1112 impact, any requirement that a developer cont 1113 land acquisition or construction or expansion facilities or portions thereof unless the loc 1114 1115 enacted a local ordinance which requires othe 1116 subject to this section to contribute its pro 1117 the funds, land, or public facilities necess 1118 any impacts having a rational nexus to the pr 1119 and the need to construct new facilities or 1120 system of public facilities must be reasonab. 1121 the proposed development. 1122 2. Selection of a contractor or design 1123 aspect of construction or design related to 1124 expansion of a public facility by a nongover: 1125 which is undertaken as a condition of a deve. 1126 mitigate the impacts reasonably attributable 1127 development is not subject to competitive bi 1128 negotiation A local government shall not app 1129 of regional impact that does not make adequa 1130 public facilities needed to accommodate the 1131 proposed development unless the local govern

Page 39 of 137

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SB 1244

20-00962-18 201812	44		20-00962-18	20181244
property, or actual or constructive notice of any such lien,		1190	applicable development-of-rea	gional-impact threshold; or
cloud, or encumbrance. This paragraph applies only to		1191	4. The project has been	determined to be an essentially
developments initially approved under this section after July	1,	1192	built-out development of regi	ional impact through an agreement
1980. If the local government of jurisdiction rescinds a		1193	executed by the developer, the	he state land planning agency, and
development order for an approved development of regional imp	act	1194	the local government, in acco	ordance with s. 380.032, which will
pursuant to s. 380.115, the developer may record notice of th	e	1195	establish the terms and cond	tions under which the development
rescission.		1196	may be continued. If the pro-	ject is determined to be essentially
(d) (g) Any agreement entered into by the state land		1197	built out, development may p	roceed pursuant to the s. 380.032
planning agency, the developer, and the A local government wi	th	1198	agreement after the terminat	ion or expiration date contained in
respect to an approved development of regional impact previou	sly	1199	the development order without	- further development-of-regional-
classified as essentially built out, or any other official		1200	impact review subject to the	local government comprehensive plan
determination that an approved development of regional impact	is	1201	and land development regulation	ions. The parties may amend the
essentially built out, remains valid unless it expired on or		1202	agreement without submission,	- review, or approval of a
before the effective date of this act. may not issue a permit		1203	notification of proposed char	nge pursuant to subsection (19). For
for a development subsequent to the buildout date contained i	n	1204	the purposes of this paragrap	oh, a development of regional impact
the development order unless:		1205	is considered essentially but	ilt out, if:
1. The proposed development has been evaluated cumulativ	ely	1206	a. The developers are in	- compliance with all applicable
with existing development under the substantial deviation		1207	terms and conditions of the c	development order except the
provisions of subsection (19) after the termination or		1208	buildout date or reporting re	equirements; and
expiration date;		1209	b.(I) The amount of deve	elopment that remains to be built is
2. The proposed development is consistent with an		1210	less than the substantial dev	viation threshold specified in
abandonment of development order that has been issued in		1211	paragraph (19)(b) for each i r	ndividual land use category, or, for
accordance with subsection (26);		1212	a multiuse development, the s	sum total of all unbuilt land uses
3. The development of regional impact is essentially bui	lt	1213	as a percentage of the applic	cable substantial deviation
out, in that all the mitigation requirements in the developme	nt	1214	threshold is equal to or less	s than 100 percent; or
order have been satisfied, all developers are in compliance w	ith	1215	(II) The state land plar	ning agency and the local
all applicable terms and conditions of the development order		1216	government have agreed in wri	iting that the amount of development
except the buildout date, and the amount of proposed developm	ent	1217	to be built does not create t	the likelihood of any additional
that remains to be built is less than 40 percent of any		1218	regional impact not previous	Ly reviewed.
Page 41 of 137	1		Pag	e 42 of 137

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	20-00962-18	20181244	20-00962-18 20181244
1219			jurisdiction, the annexing jurisdiction shall adopt a new
1220	The single-family residential portions of a developmen	t-may-be 1249	development order that incorporates all previous rights and
1221	considered essentially built out if all of the workfor	ce housing 1250	obligations specified in the prior development order.
1222	obligations and all of the infrastructure and horizont	al 1251	(5) (16) CREDITS AGAINST LOCAL IMPACT FEES
1223	development have been completed, at least 50 percent o	f_the 1252	(a) Notwithstanding any provision of an adopted local
1224	dwelling units have been completed, and more than 80 p	ercent of 1253	comprehensive plan or adopted local government land development
1225	the lots have been conveyed to third-party individual	lot owners 1254	regulations to the contrary, the adoption of an amendment to a
1226	or to individual builders who own no more than 40 lots	at the 1255	development order for an approved development of regional impact
1227	time of the determination. The mobile home park portio	ns of a 1256	pursuant to subsection (7) does not diminish or otherwise alter
1228	development may be considered essentially built out if	all the 1257	any credits for a development order exaction or fee as against
1229	infrastructure and horizontal development has been com	pleted, 1258	impact fees, mobility fees, or exactions when such credits are
1230	and at least 50 percent of the lots are leased to indi	vidual 1259	based upon the developer's contribution of land or a public
1231	mobile home owners. In order to accommodate changing m	arket 1260	facility or the construction, expansion, or payment for land
1232	demands and achieve maximum land use efficiency in an	1261	acquisition or construction or expansion of a public facility,
1233	essentially built out project, when a developer is bui	lding out 1262	or a portion thereof If the development order requires the
1234	a project, a local government, without the concurrence	of the 1263	developer to contribute land or a public facility or construct,
1235	state land planning agency, may adopt a resolution aut	horizing 1264	expand, or pay for land acquisition or construction or expansion
1236	the developer to exchange one approved land use for an	other 1265	of a public facility, or portion thereof, and the developer is
1237	approved land use as specified in the agreement. Befor	e the 1266	also subject by local ordinance to impact fees or exactions to
1238	issuance of a building permit pursuant to an exchange,	1267	meet the same needs, the local government shall establish and
1239	developer must demonstrate to the local government that		implement a procedure that credits a development order exaction
1240	exchange ratio will not result in a net increase in im		or fee toward an impact fee or exaction imposed by local
1241	public facilities and will meet all applicable require	ments of 1270	ordinance for the same need; however, if the Florida Land and
1242	the comprehensive plan and land development code. For	1271	Water Adjudicatory Commission imposes any additional
1243	developments previously determined to impact strategic	1272	requirement, the local government shall not be required to grant
1244	intermodal facilities as defined in s. 339.63, the loc	al 1273	a credit toward the local exaction or impact fee unless the
1245	government shall consult with the Department of Transp	ortation 1274	local government determines that such required contribution,
1246	before approving the exchange.	1275	payment, or construction meets the same need that the local
1247	(h) If the property is annexed by another local	1276	exaction or impact fee would address. The nongovernmental
	Page 43 of 137		Page 44 of 137
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20-00962-18 20181244 1306 order. Local governments shall not issue any permits or 1307 approvals or provide any extensions of services if the developer 1308 fails to act in substantial compliance with the development 1309 order. 1310 (6) (18) BIENNIAL REPORTS.-Notwithstanding any condition in 1311 a development order for an approved development of regional 1312 impact, the developer is not required to shall submit an annual 1313 or a biennial report on the development of regional impact to 1314 the local government, the regional planning agency, the state 1315 land planning agency, and all affected permit agencies in 1316 alternate years on the date specified in the development order, unless required to do so by the local government that has 1317 jurisdiction over the development. The penalty for failure to 1318 1319 file such a required report is as prescribed by the local 1320 government development order by its terms requires more frequent 1321 monitoring. If the report is not received, the state land 1322 planning agency shall notify the local government. If the local 1323 government does not receive the report or receives notification 1324 that the state land planning agency has not received the report, 1325 the local government shall request in writing that the developer 1326 submit the report within 30 days. The failure to submit the 1327 report after 30 days shall result in the temporary suspension of 1328 the development order by the local government. If no additional 1329 development pursuant to the development order has occurred since 1330 the submission of the previous report, then a letter from the 1331 developer stating that no development has occurred shall satisfy 1332 the requirement for a report. Development orders that require 1333 annual reports may be amended to require biennial reports at the 1334 option of the local government. Page 46 of 137

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20-00962-18 20181244 1277 developer need not be required, by virtue of this credit, to 1278 competitively bid or negotiate any part of the construction or 1279 design of the facility, unless otherwise requested by the local 1280 government. 1281 (b) If the local government imposes or increases an impact 1282 fee, mobility fee, or exaction by local ordinance after a 1283 development order has been issued, the developer may petition 1284 the local government, and the local government shall modify the 1285 affected provisions of the development order to give the 1286 developer credit for any contribution of land for a public 1287 facility, or construction, expansion, or contribution of funds 1288 for land acquisition or construction or expansion of a public 1289 facility, or a portion thereof, required by the development 1290 order toward an impact fee or exaction for the same need. 1291 (c) Any The local government and the developer may enter 1292 into capital contribution front-ending agreement entered into by 1293 a local government and a developer which is still in effect as 1294 of the effective date of this act agreements as part of a 1295 development-of-regional-impact development order to reimburse 1296 the developer, or the developer's successor, for voluntary 1297 contributions paid in excess of his or her fair share remains 1298 valid. 1299 (d) This subsection does not apply to internal, onsite 1300 facilities required by local regulations or to any offsite 1301 facilities to the extent that such facilities are necessary to 1302 provide safe and adequate services to the development. 1303 (17) LOCAL MONITORING. The local government issuing the 1304 development order is primarily responsible for monitoring the 1305 development and enforcing the provisions of the development

Page 45 of 137

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	20-00962-18 20181244_
1335	(7) (19) CHANGES SUBSTANTIAL DEVIATIONS
1336	(a) Notwithstanding any provision to the contrary in any
1337	development order, agreement, local comprehensive plan, or local
1338	land development regulation, any proposed change to a previously
339	approved development of regional impact shall be reviewed by the
340	local government based on the standards and procedures in its
341	adopted local comprehensive plan and adopted local land
342	development regulations, including, but not limited to,
343	procedures for notice to the applicant and the public regarding
344	the issuance of development orders. At least one public hearing
345	must be held on the application for change, and any change must
346	be approved by the local governing body before it becomes
347	effective. The review must abide by any prior agreements or
348	other actions vesting the laws and policies governing the
349	development. Development within the previously approved
350	development of regional impact may continue, as approved, during
351	the review in portions of the development which are not directly
352	affected by the proposed change which creates a reasonable
353	likelihood of additional regional impact, or any type of
354	regional impact created by the change not previously reviewed by
355	the regional planning agency, shall constitute a substantial
356	deviation and shall cause the proposed change to be subject to
357	further development-of-regional-impact review. There are a
358	variety of reasons why a developer may wish to propose changes
359	to an approved development of regional impact, including changed
360	market conditions. The procedures set forth in this subsection
361	are for that purpose.
362	(b) The local government shall either adopt an amendment to
363	the development order that approves the application, with or
'	Page 47 of 137

Page 47 of 137

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	20-00962-18 20181244
1364	without conditions, or deny the application for the proposed
1365	change. Any new conditions in the amendment to the development
1366	order issued by the local government may address only those
1367	impacts directly created by the proposed change, and must be
1368	consistent with s. 163.3180(5), the adopted comprehensive plan,
1369	and adopted land development regulations. Changes to a phase
1370	date, buildout date, expiration date, or termination date may
1371	also extend any required mitigation associated with a phased
1372	construction project so that mitigation takes place in the same
1373	timeframe relative to the impacts as approved Any proposed
1374	change to a previously approved development of regional impact
1375	or development order condition which, either individually or
1376	cumulatively with other changes, exceeds any of the criteria in
1377	subparagraphs 111. constitutes a substantial deviation and
1378	shall cause the development to be subject to further
1379	development-of-regional-impact review through the notice of
1380	proposed change process under this section.
1381	1. An increase in the number of parking spaces at an
1382	attraction or recreational facility by 15 percent or 500 spaces $_{r}$
1383	whichever is greater, or an increase in the number of spectators
1384	that may be accommodated at such a facility by 15 percent or
1385	1,500 spectators, whichever is greater.
1386	2. A new runway, a new terminal facility, a 25 percent
1387	lengthening of an existing runway, or a 25 percent increase in
1388	the number of gates of an existing terminal, but only if the
1389	increase adds at least three additional gates.
1390	3. An increase in land area for office development by 15
1391	percent or an increase of gross floor area of office development
1392	by 15 percent or 100,000 gross square feet, whichever is
'	Page 48 of 137
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20181244		20-00962-18	20181244
	1422	percent or 110 vehicle spaces, which	ever is less.
-by 10	1423	8. A decrease in the area set a	side for open space of 5
	1424	percent or 20 acres, whichever is le	ss.
-by 50	1425	9. A proposed increase to an ap	proved multiuse development
d that 15	1426	of regional impact where the sum of	the increases of each land
re_dedicated	1427	use as a percentage of the applicabl	e substantial deviation
ded land use	1428	criteria is equal to or exceeds 110	percent. The percentage of
than 20 years	1429	any decrease in the amount of open s	pace shall be treated as an
term	1430	increase for purposes of determining	when 110 percent has been
nters and	1431	reached or exceeded.	
d before the	1432	10. A 15 percent increase in th	e number of external vehicle
g. For	1433	trips generated by the development a	bove that which was
workforce	1434	projected during the original develo	pment-of-regional-impact
on who carns	1435	review.	
less than	1436	11. Any change that would resul	t in development of any area
a county in	1437	which was specifically set aside in	the application for
existing	1438	development approval or in the devel	opment order for
-a single-	1439	preservation or special protection o	f endangered or threatened
raph, the	1440	plants or animals designated as enda	ngered, threatened, or
amily	1441	species of special concern and their	habitat, any species
s determined	1442	protected by 16 U.S.C. ss. 668a-668d	, primary dunes, or
Homesr	1443	archaeological and historical sites	designated as significant by
-Realtors and	1444	the Division of Historical Resources	of the Department of State.
er.	1445	The refinement of the boundaries and	configuration of such areas
,000 square	1446	shall be considered under sub-subpar	agraph (c)2.j.
ded for	1447		
ichever is	1448	The substantial deviation numerical	standards in subparagraphs
	1449	3., 6., and 9., excluding residentia	l uses, and in subparagraph
a rea by 10	1450	10., are increased by 100 percent fo	r a project certified under
		Page 50 of	137
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	20-00962-18 20181244
1393	greater.
1394	4. An increase in the number of dwelling units by 10
1395	percent or 55 dwelling units, whichever is greater.
1396	5. An increase in the number of dwelling units by 50
1397	percent or 200 units, whichever is greater, provided that 15
1398	percent of the proposed additional dwelling units are dedicated
1399	to affordable workforce housing, subject to a recorded land use
1400	restriction that shall be for a period of not less than 20 year
1401	and that includes resale provisions to ensure long-term
1402	affordability for income-cligible homeowners and renters and
1403	provisions for the workforce housing to be commenced before the
1404	completion of 50 percent of the market rate dwelling. For
1405	purposes of this subparagraph, the term "affordable workforce
1406	housing" means housing that is affordable to a person who earns
1407	less than 120 percent of the area median income, or less than
1408	140 percent of the area median income if located in a county in
1409	which the median purchase price for a single-family existing
1410	home exceeds the statewide median purchase price of a single-
1411	family existing home. For purposes of this subparagraph, the
1412	term "statewide median purchase price of a single-family
1413	existing home" means the statewide purchase price as determined
1414	in the Florida Sales Report, Single-Family Existing Homes,
1415	released each January by the Florida Association of Realtors and
1416	the University of Florida Real Estate Research Center.
1417	6. An increase in commercial development by 60,000 square
1418	feet of gross floor area or of parking spaces provided for
1419	customers for 425 cars or a 10 percent increase, whichever is
1420	greater.
1421	7. An increase in a recreational vehicle park area by 10
	Page 49 of 137
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20-00962-18 20	0181244		20-00962-18	20181
s. 403.973 which creates jobs and meets criteria establis		14		
the Department of Economic Opportunity as to its impact (1	14		the 2011 real estate market
area's economy, employment, and prevailing wage and skill		14	-	of the developer, all commencement
levels. The substantial deviation numerical standards in		14	, 1	ration dates for projects that are
ubparagraphs 3., 4., 5., 6., 9., and 10. are increased k		14		ents of regional impact are extended
ercent for a project located wholly within an urban inf:		14		
				y previous extension. Associated
edevelopment area designated on the applicable adopted		14	2 1	are extended for the same period un
omprehensive plan future land use map and not located with	itnin	14		a governmental entity notifies a
he coastal high hazard area.		14	-	need any construction within the ph
(c) This section is not intended to alter or otherw:		14	-	is required that the local governm
imit the extension, previously granted by statute, of a	-	14		ect for construction of a facility
ommencement, buildout, phase, termination, or expiration		14	1	a the development's mitigation fund
n any development order for an approved development of a	regional	14	92 that phase as specified i	in the development order or written
mpact and any corresponding modification of a related pe	ermit or	14	93 agreement with the develo	oper. The 4-year extension is not a
greement. Any such extension is not subject to review or	r	14	94 substantial deviation, is	not subject to further developmen
odification in any future amendment to a development or	der	14	95 regional-impact review, a	and may not be considered when
ursuant to the adopted local comprehensive plan and adop	pted	14	96 determining whether a sub	extension is a substantial
ocal land development regulations An extension of the da	ate of	14	97 deviation under this subs	ection. The developer must notify
uildout of a development, or any phase thereof, by more	-than 7	14	98 local government in writi	ng by December 31, 2011, in order
cars is presumed to create a substantial deviation subje	ect to	14	99 receive the 4-year extens	ion.
urther development-of-regional-impact review.		15	00	
1. An extension of the date of buildout, or any phase	se	15	01 For the purpose of calcul	ating when a buildout or phase dat
hereof, of more than 5 years but not more than 7 years :	is	15	02 been exceeded, the time a	shall be tolled during the pendency
resumed not to create a substantial deviation. The exter	nsion of	15	03 administrative or judicia	al proceedings relating to developm
he date of buildout of an areawide development of region	nal	15	04 permits. Any extension of	the buildout date of a project or
mpact by more than 5 years but less than 10 years is pro	esumed	15	05 phase thereof shall autom	natically extend the commencement d
ot to create a substantial deviation. These presumptions	s may be	15	06 of the project, the termi	nation date of the development ord
ebutted by clear and convincing evidence at the public H	hearing	15	07 the expiration date of th	ne development of regional impact,
held by the local government. An extension of 5 years or	less is	15	08 the phases thereof if app	plicable by a like period of time.
Page 51 of 137				Page 52 of 137
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	20-00962-18 20181244			2
1509	(d) A change in the plan of development of an approved		1538	Ħ
1510	development of regional impact resulting from requirements		1539	
1511	imposed by the Department of Environmental Protection or any		1540	e
1512	water management district created by s. 373.069 or any of their		1541	÷
1513	successor agencies or by any appropriate federal regulatory		1542	
1514	agency shall be submitted to the local government pursuant to		1543	
1515	this subsection. The change shall be presumed not to create a		1544	r
1516	substantial deviation subject to further development-of-		1545	
1517	regional-impact review. The presumption may be rebutted by clear		1546	ਦ
1518	and convincing evidence at the public hearing held by the local		1547	Ł
1519	government.		1548	Ł
1520	(e)1. Except for a development order rendered pursuant to		1549	Ŧ
1521	subsection (22) or subsection (25), a proposed change to a		1550	
1522	development order which individually or cumulatively with any		1551	f
1523	previous change is less than any numerical criterion contained		1552	
1524	in subparagraphs (b)110. and does not exceed any other		1553	f
1525	criterion, or which involves an extension of the buildout date		1554	
1526	of a development, or any phase thereof, of less than 5 years is		1555	÷
1527	not subject to the public hearing requirements of subparagraph		1556	e
1528	(f)3., and is not subject to a determination pursuant to		1557	
1529	subparagraph (f)5. Notice of the proposed change shall be made		1558	Ŧ
1530	to the regional planning council and the state land planning		1559	Ŧ
1531	agency. Such notice must include a description of previous		1560	
1532	individual changes made to the development, including changes		1561	÷
1533	previously approved by the local government, and must include		1562	÷
1534	appropriate amendments to the development order.		1563	e
1535	2. The following changes, individually or cumulatively with		1564	÷
1536	any previous changes, are not substantial deviations:		1565	÷
1537	a. Changes in the name of the project, developer, owner, or		1566	e
	Page 53 of 137			
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	20-00962-18 20181244
1538	monitoring official.
1539	b. Changes to a setback which do not affect noise buffers,
1540	environmental protection or mitigation areas, or archaeological
1541	or historical resources.
1542	e. Changes to minimum lot sizes.
1543	d. Changes in the configuration of internal roads which do
1544	not affect external access points.
1545	e. Changes to the building design or orientation which stay
1546	approximately within the approved area designated for such
1547	building and parking lot, and which do not affect historical
1548	buildings designated as significant by the Division of
1549	Historical Resources of the Department of State.
1550	f. Changes to increase the acreage in the development, if
1551	no development is proposed on the acreage to be added.
1552	g. Changes to eliminate an approved land use, if there are
1553	no additional regional impacts.
1554	h. Changes required to conform to permits approved by any
1555	federal, state, or regional permitting agency, if these changes
1556	do not create additional regional impacts.
1557	i. Any renovation or redevelopment of development within a
1558	previously approved development of regional impact which does
1559	not change land use or increase density or intensity of use.
1560	j. Changes that modify boundaries and configuration of
1561	areas described in subparagraph (b)11. due to science-based
1562	refinement of such areas by survey, by habitat evaluation, by
1563	other recognized assessment methodology, or by an environmental
1564	assessment. In order for changes to qualify under this sub-
1565	subparagraph, the survey, habitat evaluation, or assessment must
1566	occur before the time that a conservation easement protecting
	Page 54 of 137

20-00962-18 20181244		20-00962-18 20181244
such lands is recorded and must not result in any net decrease	15	96 order. The state land planning agency may appeal, pursuant to s.
in the total acreage of the lands specifically set aside for	15	97 380.07(3), the amendment to the development order if the
permanent preservation in the final development order.	15	98 amendment involves sub-subparagraph g., sub-subparagraph h.,
k. Changes that do not increase the number of external peak	15	99 sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m.
hour trips and do not reduce open space and conserved areas	16	00 and if the agency believes that the change creates a reasonable
within the project except as otherwise permitted by sub-	16	01 likelihood of new or additional regional impacts.
subparagraph j.	16	02 3. Except for the change authorized by sub-subparagraph
1. A phase date extension, if the state land planning	16	03 2.f., any addition of land not previously reviewed or any change
agency, in consultation with the regional planning council and	16	04 not specified in paragraph (b) or paragraph (c) shall be
subject to the written concurrence of the Department of	16	05 presumed to create a substantial deviation. This presumption may
Transportation, agrees that the traffic impact is not	16	06 be rebutted by clear and convincing evidence.
significant and adverse under applicable state agency rules.	16	07 4. Any submittal of a proposed change to a previously
m. Any other change that the state land planning agency, in	16	08 approved development must include a description of individual
consultation with the regional planning council, agrees in	16	09 changes previously made to the development, including changes
writing is similar in nature, impact, or character to the	16	10 previously approved by the local government. The local
changes enumerated in sub-subparagraphs a1. and that does not	16	11 government shall consider the previous and current proposed
create the likelihood of any additional regional impact.	16	12 changes in deciding whether such changes cumulatively constitute
	16	13 a substantial deviation requiring further development-of-
This subsection does not require the filing of a notice of	16	14 regional-impact review.
proposed change but requires an application to the local	16	15 5. The following changes to an approved development of
government to amend the development order in accordance with the	16	16 regional impact shall be presumed to create a substantial
local government's procedures for amendment of a development	16	17 deviation. Such presumption may be rebutted by clear and
order. In accordance with the local government's procedures,	16	18 convincing evidence:
including requirements for notice to the applicant and the	16	19 a. A change proposed for 15 percent or more of the acreage
public, the local government shall either deny the application	16	20 to a land use not previously approved in the development order.
for amendment or adopt an amendment to the development order	16	21 Changes of less than 15 percent shall be presumed not to create
which approves the application with or without conditions.	16	22 a substantial deviation.
Following adoption, the local government shall render to the	16	23 b. Notwithstanding any provision of paragraph (b) to the
state land planning agency the amendment to the development	16	24 contrary, a proposed change consisting of simultaneous increases
Page 55 of 137		Page 56 of 137
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20-0	0962-18 20181244						
1625 and	decreases of at least two of the uses within an authorized						
1626 mult	iuse development of regional impact which was originally						
1627 appi	approved with three or more uses specified in s. 380.0651(3)(c)						
1628 and	and (d) and residential use.						
1629	6. If a local government agrees to a proposed change, a						
1630 char	ge in the transportation proportionate share calculation and						
1631 mit:	gation plan in an adopted development order as a result of						
1632 reca	lculation of the proportionate share contribution meeting						
1633 the	requirements of s. 163.3180(5)(h) in effect as of the date						
1634 of 	wuch change shall be presumed not to create a substantial						
1635 dev:	ation. For purposes of this subsection, the proposed change						
1636 in t	he proportionate share calculation or mitigation plan may						
1637 not	be considered an additional regional transportation impact.						
1638	(f)1. The state land planning agency shall establish by						
1639 rul a	standard forms for submittal of proposed changes to a						
1640 prev	riously approved development of regional impact which may						
1641 req	require further development-of-regional-impact review. At a						
1642 min:	mum, the standard form shall require the developer to						
1643 prov	ride the precise language that the developer proposes to						
1644 del	te or add as an amendment to the development order.						
1645	2. The developer shall submit, simultaneously, to the local						
1646 gove	ernment, the regional planning agency, and the state land						
1647 pla	ning agency the request for approval of a proposed change.						
1648	3. No sooner than 30 days but no later than 45 days after						
1649 subr	wittal by the developer to the local government, the state						
1650 land	l planning agency, and the appropriate regional planning						
1651 ager	ecy, the local government shall give 15 days' notice and						
1652 sch	dule a public hearing to consider the change that the						
1653 deve	loper asserts does not create a substantial deviation. This						
I	Page 57 of 137						
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	20-00962-18 20181244
1654	public hearing shall be held within 60 days after submittal of
1655	the proposed changes, unless that time is extended by the
1656	developer.
1657	4. The appropriate regional planning agency or the state
1658	land planning agency shall review the proposed change and, no
1659	later than 45 days after submittal by the developer of the
1660	proposed change, unless that time is extended by the developer,
1661	and prior to the public hearing at which the proposed change is
1662	to be considered, shall advise the local government in writing
1663	whether it objects to the proposed change, shall specify the
1664	reasons for its objection, if any, and shall provide a copy to
1665	the developer.
1666	5. At the public hearing, the local government shall
1667	determine whether the proposed change requires further
1668	development-of-regional-impact review. The provisions of
1669	paragraphs (a) and (c), the thresholds set forth in paragraph
1670	(b), and the presumptions set forth in paragraphs (c) and (d)
1671	and subparagraph (c)3. shall be applicable in determining
1672	whether further development-of-regional-impact review is
1673	required. The local government may also deny the proposed change
1674	based on matters relating to local issues, such as if the land
1675	on which the change is sought is plat restricted in a way that
1676	would be incompatible with the proposed change, and the local
1677	government does not wish to change the plat restriction as part
1678	of the proposed change.
1679	6. If the local government determines that the proposed
1680	change does not require further development of regional impact
1681	review and is otherwise approved, or if the proposed change is
1682	not subject to a hearing and determination pursuant to

Page 58 of 137

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20-00962-18 20181244		20-00962-18 20181244	
subparagraphs 3. and 5. and is otherwise approved, the local	1712	local government shall determine whether to approve, approve	
government shall issue an amendment to the development order	1713	with conditions, or deny the proposed change as it relates to	
incorporating the approved change and conditions of approval	1714	the entire development. If the local government determines that	
relating to the change. The requirement that a change be	1715	the proposed change, as it relates to the entire development, is	
otherwise approved shall not be construed to require additional	1716	unacceptable, the local government shall deny the change.	
local review or approval if the change is allowed by applicable	1717	3. If the local government determines that the proposed	
local ordinances without further local review or approval. The	1718	change should be approved, any new conditions in the amendment	
decision of the local government to approve, with or without	1719	to the development order issued by the local government shall	
conditions, or to deny the proposed change that the developer	1720	address only those issues raised by the proposed change and	
asserts does not require further review shall be subject to the	1721	require mitigation only for the individual and cumulative	
appeal provisions of s. 380.07. However, the state land planning	1721	impacts of the proposed change.	
agency may not appeal the local government decision if it did	1723	4. Development within the previously approved development	
not comply with subparagraph 4. The state land planning agency	1724	of regional impact may continue, as approved, during the	
may not appeal a change to a development order made pursuant to	1724	development-of-regional-impact review in those portions of the	
subparagraph (c)1. or subparagraph (c)2. for developments of		development which are not directly affected by the proposed	
	1726		
regional impact approved after January 1, 1980, unless the	1727	change.	
change would result in a significant impact to a regionally	1728	(h) When further development-of-regional-impact review is	
significant archaeological, historical, or natural resource not	1729 required because a substantial deviation has been determine		
previously identified in the original development-of-regional-	1730	admitted by the developer, the amendment to the development	
impact review.	1731	order issued by the local government shall be consistent with	
(g) If a proposed change requires further development-of-	1732	the requirements of subsection (15) and shall be subject to the	
regional-impact review pursuant to this section, the review	1733	hearing and appeal provisions of s. 380.07. The state land	
shall be conducted subject to the following additional	1734	planning agency or the appropriate regional planning agency need	
conditions:	1735	not participate at the local hearing in order to appeal a local	
1. The development-of-regional-impact review conducted by	1736	government development order issued pursuant to this paragraph.	
the appropriate regional planning agency shall address only	1737	(i) An increase in the number of residential dwelling units	
those issues raised by the proposed change except as provided in	1738	shall not constitute a substantial deviation and shall not be	
subparagraph 2.	1739	subject to development of regional impact review for additional	
2. The regional planning agency shall consider, and the	1740	impacts, provided that all the residential dwelling units are	
Page 59 of 137		Page 60 of 137	

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Page 59 of 137 CODING: Words stricken are deletions; words underlined are additions.

1	20-00962-18 20181244		20-00962-18 20181244
-	dedicated to affordable workforce housing and the total number	1770	rights that in law would have prevented a local government from
2	of new residential units does not exceed 200 percent of the	1771	changing those regulations in a way adverse to the developer's
3	substantial deviation threshold. The affordable workforce	1772	interests, nothing in this chapter authorizes any governmental
1	housing shall be subject to a recorded land use restriction that	1773	agency to abridge those rights.
5	shall be for a period of not less than 20 years and that	1774	(a) For the purpose of determining the vesting of rights
5	includes resale provisions to ensure long-term affordability for	1775	under this subsection, approval pursuant to local subdivision
7	income-eligible homeowners and renters. For purposes of this	1776	plat law, ordinances, or regulations of a subdivision plat by
3	paragraph, the term "affordable workforce housing" means housing	1777	formal vote of a county or municipal governmental body having
)	that is affordable to a person who earns less than 120 percent	1778	jurisdiction after August 1, 1967, and prior to July 1, 1973, is
	of the area median income, or less than 140 percent of the area	1779	sufficient to vest all property rights for the purposes of this
-	median income if located in a county in which the median	1780	subsection; and no action in reliance on, or change of position
2	purchase price for a single-family existing home exceeds the	1781	concerning, such local governmental approval is required for
3	statewide median purchase price of a single-family existing	1782	vesting to take place. Anyone claiming vested rights under this
1	home. For purposes of this paragraph, the term "statewide median	1783	paragraph must notify the department in writing by January 1,
5	purchase price of a single-family existing home" means the	1784	1986. Such notification shall include information adequate to
5	statewide purchase price as determined in the Florida Sales	1785	document the rights established by this subsection. When such
7	Report, Single-Family Existing Homes, released each January by	1786	notification requirements are met, in order for the vested
3	the Florida Association of Realtors and the University of	1787	rights authorized pursuant to this paragraph to remain valid
)	Florida Real Estate Research Center.	1788	after June 30, 1990, development of the vested plan must be
)	(8) (20) VESTED RIGHTSNothing in this section shall limit	1789	commenced prior to that date upon the property that the state
-	or modify the rights of any person to complete any development	1790	land planning agency has determined to have acquired vested
2	that was authorized by registration of a subdivision pursuant to	1791	rights following the notification or in a binding letter of
3	former chapter 498, by recordation pursuant to local subdivision	1792	interpretation. When the notification requirements have not been
1	plat law, or by a building permit or other authorization to	1793	met, the vested rights authorized by this paragraph shall expire
5	commence development on which there has been reliance and a	1794	June 30, 1986, unless development commenced prior to that date.
5	change of position and which registration or recordation was	1795	(b) For the purpose of this act, the conveyance of, or the
7	accomplished, or which permit or authorization was issued, prior	1796	agreement to convey, property to the county, state, or local
3	to July 1, 1973. If a developer has, by his or her actions in	1797	government as a prerequisite to zoning change approval shall be
9	reliance on prior regulations, obtained vested or other legal	1798	construed as an act of reliance to vest rights as determined
	Page 61 of 137		Page 62 of 137
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SB 1244

20-00962-18 20181244		20-00962-18	20181244	
under this subsection, provided such zoning change is actually	1828	must be submitted with an incr	emental application and shall	
granted by such government.	1829	identify those issues which car	n result in the denial of an	
(9) (21) VALIDITY OF COMPREHENSIVE APPLICATION ; MASTER PLAN	1830 incremental application.			
DEVELOPMENT_ORDER	1831	2. The review of subseque	nt incremental applications shall	
(a) Any agreement previously entered into by a developer, a	1832	be limited to that information	specifically required and those	
regional planning agency, and a local government regarding If a	1833	issues specifically raised by	the master development order,	
development project that includes two or more developments of	1834	unless substantial changes in -	the conditions underlying the	
regional impact and was the subject of, a developer may file a	1835	approval of the master plan de	velopment order are demonstrated	
comprehensive development-of-regional-impact application remains	1836	or the master development orde	r is shown to have been based on	
valid unless it expired on or before the effective date of this	1837	substantially inaccurate inform	mation.	
act.	1838	(c) The state land planni:	ng agency, by rule, shall	
(b) If a proposed development is planned for development	1839	establish uniform procedures to	o implement this subsection.	
over an extended period of time, the developer may file an	1840 (22) DOWNTOWN DEVELOPMENT AUTHORITIES.			
application for master development approval of the project and	1841	(a) A downtown developmen	t authority may submit a	
agree to present subsequent increments of the development for	1842	development-of-regional-impact	-application for development	
preconstruction review. This agreement shall be entered into by	1843	approval pursuant to this sect	ion. The area described in the	
the developer, the regional planning agency, and the appropriate	1844	application may consist of any	or all of the land over which a	
local government having jurisdiction. The provisions of	1845	downtown development authority	has the power described in s.	
subsection (9) do not apply to this subsection, except that a	1846	380.031(5). For the purposes of	f this subsection, a downtown	
developer may elect to utilize the review process established in	1847	development authority shall be	considered the developer whether	
subsection (9) for review of the increments of a master plan.	1848	or not the development will be	-undertaken by the downtown	
1. Prior to adoption of the master plan development order,	1849	development authority.		
the developer, the landowner, the appropriate regional planning	1850	(b) In addition to inform	ation required by the development-	
agency, and the local government having jurisdiction shall	1851	of-regional-impact application	, the application for development	
review the draft of the development order to ensure that	1852	approval submitted by a downto	wn development authority shall	
anticipated regional impacts have been adequately addressed and	1853	specify the total amount of de	velopment planned for each land	
that information requirements for subsequent incremental	1854	use category. In addition to the	he requirements of subsection	
application review are clearly defined. The development order	1855	(15), the development order sh	all specify the amount of	
for a master application shall specify the information which	1856	development approved within each	ch land use category. Development	
Page 63 of 137		Page	64 of 137	
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1801 (9) (21) VALIDITY OF COMPREHENSIVE APPLICATION; MAST 1802 DEVELOPMENT ORDER. -1803 (a) Any agreement previously entered into by a devel 1804 regional planning agency, and a local government regardi 1805 development project that includes two or more development 1806 regional impact and was the subject of $\frac{1}{7}$ a developer may 1807 comprehensive development-of-regional-impact application 1808 valid unless it expired on or before the effective date 1809 act. 1810 (b) If a proposed development is planned for develo over an extended period of time, the developer may file 1811 1812 application for master development approval of the projection 1813 agree to present subsequent increments of the developmen 1814 preconstruction review. This agreement shall be entered 1815 the developer, the regional planning agency, and the app 1816 local government having jurisdiction. The provisions of 1817 subsection (9) do not apply to this subsection, except t 1818 developer may elect to utilize the review process establ 1819 subsection (9) for review of the increments of a master 1820 1. Prior to adoption of the master plan development 1821 the developer, the landowner, the appropriate regional p 1822 agency, and the local government having jurisdiction sha 1823 review the draft of the development order to ensure that 1824 anticipated regional impacts have been adequately addres 1825 that information requirements for subsequent incremental 1826 application review are clearly defined. The development 1827 for a master application shall specify the information w

Page 63 of 137

857	20-00962-18 20181244_
.858	undertaken in conformance with a development order issued under
.858	this section does not require further review.
	(c) If a development is proposed within the area of a
860	downtown development plan approved pursuant to this section
861	which would result in development in excess of the amount
862	specified in the development order for that type of activity,
863	changes shall be subject to the provisions of subsection (19),
864	except that the percentages and numerical criteria shall be
865	double those listed in paragraph (19) (b).
866	(d) The provisions of subsection (9) do not apply to this
867	subsection.
868	(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.
869	(a) The state land planning agency shall adopt rules to
870	ensure uniform review of developments of regional impact by the
871	state land planning agency and regional planning agencies under
872	this section. These rules shall be adopted pursuant to chapter
873	120 and shall include all forms, application content, and review
874	guidelines necessary to implement development-of-regional-impact
875	reviews. The state land planning agency, in consultation with
876	the regional planning agencies, may also designate types of
877	development or areas suitable for development in which reduced
878	information requirements for development-of-regional-impact
879	review shall apply.
880	(b) Regional planning agencies shall be subject to rules
881	adopted by the state land planning agency. At the request of a
882	regional planning council, the state land planning agency may
883	adopt by rule different standards for a specific comprehensive
884	planning district upon a finding that the statewide standard is
885	inadequate to protect or promote the regional interest at issue
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	20-00962-18 20181244
1886	- If such a regional standard is adopted by the state land
1887	planning agency, the regional standard shall be applied to all
1888	pertinent development-of-regional-impact reviews conducted in
1889	that region until rescinded.
1890	(c) Within 6 months of the effective date of this section,
1891	the state land planning agency shall adopt rules which:
1892	1. Establish uniform statewide standards for development-
1893	of-regional-impact review.
1894	2. Establish a short application for development approval
1895	form which climinates issues and questions for any project in a
1896	jurisdiction with an adopted local comprehensive plan that is in
1897	compliance.
1898	(d) Regional planning agencies that perform development of
1899	regional-impact and Florida Quality Development review are
1900	authorized to assess and collect fees to fund the costs, direct
1901	and indirect, of conducting the review process. The state land
1902	planning agency shall adopt rules to provide uniform criteria
1903	for the assessment and collection of such fees. The rules
1904	providing uniform criteria shall not be subject to rule
1905	challenge under s. 120.56(2) or to drawout proceedings under s.
1906	120.54(3)(c)2., but, once adopted, shall be subject to an
1907	invalidity challenge under s. 120.56(3) by substantially
1908	affected persons. Until the state land planning agency adopts a
1909	rule implementing this paragraph, rules of the regional planning
1910	councils currently in effect regarding fees shall remain in
1911	effect. Fees may vary in relation to the type and size of a
1912	proposed project, but shall not exceed \$75,000, unless the state
1913	land planning agency, after reviewing any disputed expenses
1914	charged by the regional planning agency, determines that said
	Page 66 of 137

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20-00962-18 20181244			20-00962-18 20181244
expenses were reasonable and necessary for an adequate regional		1944	sports facility having a permanent seating capacity of at least
review of the impacts of a project.		1945	50,000 spectators is exempt from this section, provided that
(24) STATUTORY EXEMPTIONS		1946	such an increase does not increase permanent seating capacity by
(a) Any proposed hospital is exempt from this section.		1947	more than 5 percent per year and not to exceed a total of 10
(b) Any proposed electrical transmission line or electrical		1948	percent in any 5-year period, and provided that the sports
power plant is exempt from this section.		1949	facility notifics the appropriate local government within which
(c) Any proposed addition to an existing sports facility		1950	the facility is located of the increase at least 6 months before
complex is exempt from this section if the addition meets the		1951	the initial use of the increased seating, in order to permit the
following characteristics:		1952	appropriate local government to develop a traffic management
1. It would not operate concurrently with the scheduled		1953	plan for the traffic generated by the increase. Any traffic
hours of operation of the existing facility.		1954	management plan shall be consistent with the local comprehensive
2. Its seating capacity would be no more than 75 percent of		1955	plan, the regional policy plan, and the state comprehensive
the capacity of the existing facility.		1956	plan.
3. The sports facility complex property is owned by a		1957	(g) Any expansion in the permanent seating capacity or
public body before July 1, 1983.		1958	additional improved parking facilities of an existing sports
		1959	facility is exempt from this section, if the following
This exemption does not apply to any pari-mutuel facility.		1960	conditions exist:
(d) Any proposed addition or cumulative additions		1961	1.a. The sports facility had a permanent seating capacity
subsequent to July 1, 1988, to an existing sports facility		1962	on January 1, 1991, of at least 41,000 spectator seats;
complex owned by a state university is exempt if the increased		1963	b. The sum of such expansions in permanent seating capacity
seating capacity of the complex is no more than 30 percent of		1964	does not exceed a total of 10 percent in any 5-year period and
the capacity of the existing facility.		1965	does not exceed a cumulative total of 20 percent for any such
(c) Any addition of permanent seats or parking spaces for		1966	expansions; or
an existing sports facility located on property owned by a		1967	c. The increase in additional improved parking facilities
public body before July 1, 1973, is exempt from this section if		1968	is a one-time addition and does not exceed 3,500 parking spaces
future additions do not expand existing permanent seating or		1969	serving the sports facility; and
parking capacity more than 15 percent annually in excess of the		1970	2. The local government having jurisdiction of the sports
prior year's capacity.		1971	facility includes in the development order or development permit
(f) Any increase in the seating capacity of an existing		1972	approving such expansion under this paragraph a finding of fact
Page 67 of 137			Page 68 of 137
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	20-00962-18 20181244		20-00962-
1973	that the proposed expansion is consistent with the	2002	consister
1974	transportation, water, sewer and stormwater drainage provisions	2003	complianc
1975	of the approved local comprehensive plan and local land	2004	-(i)-
1976	development regulations relating to those provisions.	2005	product o
1977		2006	this sect
1978	Any owner or developer who intends to rely on this statutory	2007	(j)
1979	exemption shall provide to the department a copy of the local	2008	parcel wł
1980	government application for a development permit. Within 45 days	2009	intensity
1981	after receipt of the application, the department shall render to	2010	-(k)
1982	the local government an advisory and nonbinding opinion, in	2011	facilitic
1983	writing, stating whether, in the department's opinion, the	2012	(1)
1984	prescribed conditions exist for an exemption under this	2013	boundary
1985	paragraph. The local government shall render the development	2014	(2010), v
1986	order approving each such expansion to the department. The	2015	(29), is
1987	owner, developer, or department may appeal the local government	2016	jurisdict
1988	development order pursuant to s. 380.07, within 45 days after	2017	adopted t
1989	the order is rendered. The scope of review shall be limited to	2018	binding a
1990	the determination of whether the conditions prescribed in this	2019	with the
1991	paragraph exist. If any sports facility expansion undergoes	2020	of impact
1992	development-of-regional-impact review, all previous expansions	2021	(m)
1993	which were exempt under this paragraph shall be included in the	2022	stewardsh
1994	development-of-regional-impact review.	2023	(n)
1995	(h) Expansion to port harbors, spoil disposal sites,	2024	military
1996	navigation channels, turning basins, harbor berths, and other	2025	this sect
1997	related inwater harbor facilities of ports listed in s.	2026	(0)
1998	403.021(9)(b), port transportation facilities and projects	2027	or other
1999	listed in s. 311.07(3)(b), and intermodal transportation	2028	(p)
2000	facilities identified pursuant to s. 311.09(3) are exempt from	2029	is exempt
2001	this section when such expansions, projects, or facilities are	2030	(q)
	Page 69 of 137		
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1	20-00962-18 20181244
2002	consistent with comprehensive master plans that are in
2003	compliance with s. 163.3178.
2004	(i) Any proposed facility for the storage of any petroleum
2005	product or any expansion of an existing facility is exempt from
2006	this section.
2007	(j) Any renovation or redevelopment within the same land
2008	parcel which does not change land use or increase density or
2009	intensity of use.
2010	(k) Waterport and marina development, including dry storage
2011	facilities, are exempt from this section.
2012	(1) Any proposed development within an urban service
2013	boundary established under s. 163.3177(14), Florida Statutes
2014	(2010), which is not otherwise exempt pursuant to subsection
2015	(29), is exempt from this section if the local government having
2016	jurisdiction over the area where the development is proposed has
2017	adopted the urban service boundary and has entered into a
2018	binding agreement with jurisdictions that would be impacted and
2019	with the Department of Transportation regarding the mitigation
2020	of impacts on state and regional transportation facilities.
2021	(m) Any proposed development within a rural land
2022	stewardship area created under s. 163.3248.
2023	(n) The establishment, relocation, or expansion of any
2024	military installation as defined in s. 163.3175, is exempt from
2025	this section.
2026	(o) Any self-storage warehousing that does not allow retail
2027	or other services is exempt from this section.
2028	(p) Any proposed nursing home or assisted living facility
2029	is exempt from this section.
2030	(q) Any development identified in an airport master plan
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Page 70 of 137

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	20-00962-18 20181244			
2031	and adopted into the comprehensive plan pursuant to s.		2060	
2032	163.3177(6)(b)4. is exempt from this section.		2061	÷
2033	(r) Any development identified in a campus master plan and		2062	
2034	adopted pursuant to s. 1013.30 is exempt from this section.		2063	-
2035	(s) Any development in a detailed specific area plan which		2064	-
2036	is prepared and adopted pursuant to s. 163.3245 is exempt from		2065	
2037	this section.		2066	
2038	(t) Any proposed solid mineral mine and any proposed		2067	
2039	addition to, expansion of, or change to an existing solid		2068	ł
2040	mineral mine is exempt from this section. A mine owner will		2069	
2041	enter into a binding agreement with the Department of		2070	
2042	Transportation to mitigate impacts to strategic intermodal		2071	-
2043	system facilities pursuant to the transportation thresholds in		2072	ł
2044	subsection (19) or rule 9J-2.045(6), Florida Administrative		2073	
2045	Code. Proposed changes to any previously approved solid mineral		2074	
2046	mine development-of-regional-impact development orders having		2075	ł
2047	vested rights are is not subject to further review or approval		2076	
2048	as a development-of-regional-impact or notice-of-proposed-change		2077	
2049	review or approval pursuant to subsection (19), except for those		2078	
2050	applications pending as of July 1, 2011, which shall be governed		2079	
2051	by s. 380.115(2). Notwithstanding the foregoing, however,		2080	
2052	pursuant to s. 380.115(1), previously approved solid mineral		2081	
2053	mine development-of-regional-impact development orders shall		2082	
2054	continue to enjoy vested rights and continue to be effective		2083	
2055	unless rescinded by the developer. All local government		2084	
2056	regulations of proposed solid mineral mines shall be applicable		2085	
2057	to any new solid mineral mine or to any proposed addition to,		2086	
2058	expansion of, or change to an existing solid mineral mine.		2087	
2059	(u) Notwithstanding any provisions in an agreement with or		2088	ł
	Page 71 of 137			
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	20-00962-18 20181244
2060	among a local government, regional agency, or the state land
2061	planning agency or in a local government's comprehensive plan to
2062	the contrary, a project no longer subject to development-of-
2063	regional-impact review under revised thresholds is not required
2064	to undergo such review.
2065	(v) Any development within a county with a research and
2066	education authority created by special act and that is also
2067	within a research and development park that is operated or
2068	managed by a research and development authority pursuant to part
2069	V of chapter 159 is exempt from this section.
2070	(w) Any development in an energy economic zone designated
2071	pursuant to s. 377.809 is exempt from this section upon approval
2072	by its local governing body.
2073	(x) Any proposed development that is located in a local
2074	government jurisdiction that does not qualify for an exemption
2075	based on the population and density criteria in paragraph
2076	(29)(a), that is approved as a comprehensive plan amendment
2077	adopted pursuant to s. 163.3184(4), and that is the subject of
2078	an agreement pursuant to s. 288.106(5) is exempt from this
2079	section. This exemption shall only be effective upon a written
2080	agreement executed by the applicant, the local government, and
2081	the state land planning agency. The state land planning agency
2082	shall only be a party to the agreement upon a determination that
2083	the development is the subject of an agreement pursuant to s.
2084	288.106(5) and that the local government has the capacity to
2085	adequately assess the impacts of the proposed development. The
2086	local government shall only be a party to the agreement upon
2087	approval by the governing body of the local government and upon
2088	providing at least 21 days' notice to adjacent local governments
	Page 72 of 137

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20181244		20-00962-18 20181244
location,	2118	
d	2119	development order. Individual developments that conform to the
hin the	2120	approved areawide development plan shall not be required to
ed	2121	undergo further development-of-regional-impact review, unless
a Study	2122	otherwise provided in the development order. As used in this
he	2123	subsection, the term:
n s.	2124	1. "Areawide development plan" means a plan of development
	2125	that, at a minimum:
	2126	a. Encompasses a defined planning area approved pursuant to
onal	2127	this subsection that will include at least two or more
larger	2128	developments;
egional	2129	b. Maps and defines the land uses proposed, including the
n the	2130	amount of development by use and development phasing;
volves a	2131	c. Integrates a capital improvements program for
£,	2132	transportation and other public facilities to ensure development
nt with	2133	staging contingent on availability of facilities and services;
tion	2134	d. Incorporates land development regulation, covenants, and
e award	2135	other restrictions adequate to protect resources and facilities
	2136	of regional and state significance; and
	2137	e. Specifies responsibilities and identifies the mechanisms
y submit	2138	for carrying out all commitments in the areawide development
d unless	2139	plan and for compliance with all conditions of any areawide
to be	2140	development order.
orth in	2141	2. "Developer" means any person or association of persons,
ct review	2142	including a governmental agency as defined in s. 380.031(6),
to any	2143	that petitions for authorization to file an application for
view and	2144	development approval for an areawide development plan.
under	2145	(b) A developer may petition for authorization to submit a
ng_area	2146	proposed areawide development of regional impact for a defined
		Page 74 of 137
e additions.	c	CODING: Words stricken are deletions; words underlined are additions.

	20-00962-18 20181244
2089	that includes, at a minimum, information regarding the location,
2090	density and intensity of use, and timing of the proposed
2091	development. This exemption does not apply to areas within the
2092	boundary of any area of critical state concern designated
2093	pursuant to s. 380.05, within the boundary of the Wekiva Study
2094	Area as described in s. 369.316, or within 2 miles of the
2095	boundary of the Everglades Protection Area as defined in s.
2096	373.4592(2).
2097	
2098	If a use is exempt from review as a development of regional
2099	<pre>impact under paragraphs (a)-(u), but will be part of a larger</pre>
2100	project that is subject to review as a development of regional
2101	impact, the impact of the exempt use must be included in the
2102	review of the larger project, unless such exempt use involves a
2103	development of regional impact that includes a landowner,
2104	tenant, or user that has entered into a funding agreement with
2105	the Department of Economic Opportunity under the Innovation
2106	Incentive Program and the agreement contemplates a state award
2107	of at least \$50 million.
2108	(10) (25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT
2109	(a) Any approval of an authorized developer for may submit
2110	an areawide development of regional impact <u>remains valid unless</u>
2111	it expired on or before the effective date of this act. to be
2112	reviewed pursuant to the procedures and standards set forth in
2113	this section. The areawide development-of-regional-impact review
2114	shall include an areawide development plan in addition to any
2115	other information required under this section. After review and
2116	approval of an areawide development of regional impact under
2117	this section, all development within the defined planning area
·	Page 73 of 137

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20-00962-18 20181244		20-00962-18 20181244
planning area in accordance with the following requirements:	2176	regional impact shall not have to petition itself for
1. A petition shall be submitted to the local government,	2177	authorization to prepare and consider an application for
the regional planning agency, and the state land planning	2178	development approval for an areawide development plan. However,
agency.	2179	such a local government shall initiate the preparation of an
2. A public hearing or joint public hearing shall be held	2180	application only:
if required by paragraph (c), with appropriate notice, before	2181	1. After scheduling and conducting a public hearing as
the affected local government.	2182	specified in paragraph (c); and
3. The state land planning agency shall apply the following	2183	2. After conducting such hearing, finding that the planning
criteria for evaluating a petition:	2184	area meets the standards and criteria pursuant to subparagraph
a. Whether the developer is financially capable of	2185	(b)3. for determining that an areawide development plan will be
processing the application for development approval through	2186	in the public interest.
final approval pursuant to this section.	2187	(e) The local government shall schedule a public hearing
b. Whether the defined planning area and anticipated	2188	within 60 days after receipt of the petition. The public hearing
development therein appear to be of a character, magnitude, and	2189	shall be advertised at least 30 days prior to the hearing. In
location that a proposed areawide development plan would be in	2190	addition to the public hearing notice by the local government,
the public interest. Any public interest determination under	2191	the petitioner, except when the petitioner is a local
this criterion is preliminary and not binding on the state land	2192	government, shall provide actual notice to each person owning
planning agency, regional planning agency, or local government.	2193	land within the proposed areawide development plan at least 30
4. The state land planning agency shall develop and make	2194	days prior to the hearing. If the petitioner is a local
available standard forms for petitions and applications for	2195	government, or local governments pursuant to an interlocal
development approval for use under this subsection.	2196	agreement, notice of the public hearing shall be provided by the
(c) Any person may submit a petition to a local government	2197	publication of an advertisement in a newspaper of general
having jurisdiction over an area to be developed, requesting	2198	circulation that meets the requirements of this paragraph. The
that government to approve that person as a developer, whether	2199	advertisement must be no less than one-quarter page in a
or not any or all development will be undertaken by that person,	2200	standard size or tabloid size newspaper, and the headline in the
and to approve the area as appropriate for an areawide	2201	advertisement must be in type no smaller than 18 point. The
development of regional impact.	2202	advertisement shall not be published in that portion of the
(d) A general purpose local government with jurisdiction	2203	newspaper where legal notices and classified advertisements
over an area to be considered in an areawide development of	2204	appear. The advertisement must be published in a newspaper of
Page 75 of 137		Page 76 of 137
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	20-00962-18 20181244
2205	general paid circulation in the county and of general interest
2206	and readership in the community, not one of limited subject
2207	matter, pursuant to chapter 50. Whenever possible, the
2208	advertisement must appear in a newspaper that is published at
2209	least 5 days a week, unless the only newspaper in the community
2210	is published less than 5 days a week. The advertisement must be
2211	in substantially the form used to advertise amendments to
2212	comprehensive plans pursuant to s. 163.3184. The local
2213	government shall specifically notify in writing the regional
2214	planning agency and the state land planning agency at least 30
2215	days prior to the public hearing. At the public hearing, all
2216	interested parties may testify and submit evidence regarding the
2217	petitioner's qualifications, the need for and benefits of an
2218	areawide development of regional impact, and such other issues
2219	relevant to a full consideration of the petition. If more than
2220	one local government has jurisdiction over the defined planning
2221	area in an areawide development plan, the local governments
2222	shall hold a joint public hearing. Such hearing shall address,
2223	at a minimum, the need to resolve conflicting ordinances or
2224	comprehensive plans, if any. The local government holding the
2225	joint hearing shall comply with the following additional
2226	requirements:
2227	1. The notice of the hearing shall be published at least 60
2228	days in advance of the hearing and shall specify where the
2229	petition may be reviewed.
2230	2. The notice shall be given to the state land planning
2231	agency, to the applicable regional planning agency, and to such
2232	other persons as may have been designated by the state land
2233	planning agency as entitled to receive such notices.
	Page 77 of 137

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	20-00962-18 20181244_
2234	3. A public hearing date shall be set by the appropriate
2235	local government at the next scheduled meeting.
2236	(f) Following the public hearing, the local government
2237	shall issue a written order, appealable under s. 380.07, which
2238	approves, approves with conditions, or denies the petition. It
2239	shall approve the petitioner as the developer if it finds that
2240	the petitioner and defined planning area meet the standards and
2241	criteria, consistent with applicable law, pursuant to
2242	subparagraph (b)3.
2243	(g) The local government shall submit any order which
2244	approves the petition, or approves the petition with conditions,
2245	to the petitioner, to all owners of property within the defined
2246	planning area, to the regional planning agency, and to the state
2247	land planning agency within 30 days after the order becomes
2248	effective.
2249	(h) The petitioner, an owner of property within the defined
2250	planning area, the appropriate regional planning agency by vote
2251	at a regularly scheduled meeting, or the state land planning
2252	agency may appeal the decision of the local government to the
2253	Florida Land and Water Adjudicatory Commission by filing a
2254	notice of appeal with the commission. The procedures established
2255	in s. 380.07 shall be followed for such an appeal.
2256	(i) After the time for appeal of the decision has run, an
2257	approved developer may submit an application for development
2258	approval for a proposed areawide development of regional impact
2259	for land within the defined planning area, pursuant to
2260	subsection (6). Development undertaken in conformance with an
2261	areawide development order issued under this section shall not
2262	require further development-of-regional-impact review.
	Page 78 of 137

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20-00962-18 20181244	i.	20-00962-18 2018124
(j) In reviewing an application for a proposed areawide	2292	development order, and the exemption from development-of-
development of regional impact, the regional planning agency	2293	regional-impact review of individual projects under this sect:
shall evaluate, and the local government shall consider, the	2294	shall not thereafter apply to the owner's property. After the
following criteria, in addition to any other criteria set forth	2295	areawide development order is issued, a landowner may withdra
in this section:	2296	his or her consent only with the approval of the local
1. Whether the developer has demonstrated its legal,	2297	government.
financial, and administrative ability to perform any commitments	2298	(m) If the developer of an areawide development of regio
it has made in the application for a proposed areawide	2299	impact is a general purpose local government with jurisdictio
development of regional impact.	2300	over the land area included within the areawide development
2. Whether the developer has demonstrated that all property	2301	proposal and if no interest in the land within the land area
owners within the defined planning area consent or do not object	2302	owned, leased, or otherwise controlled by a person, corporate
to the proposed areawide development of regional impact.	2303	natural, for the purpose of mining or beneficiation of minera
3. Whether the area and the anticipated development are	2304	then:
consistent with the applicable local, regional, and state	2305	1. Demonstration of property owner consent or lack of
comprehensive plans, except as provided for in paragraph (k).	2306	objection to an areawide development plan shall not be requir
(k) In addition to the requirements of subsection (14), a	2307	and
development order approving, or approving with conditions, a	2308	2. The option to withdraw consent does not apply, and al
proposed areawide development of regional impact shall specify	2309	property and development within the areawide development
the approved land uses and the amount of development approved	2310	planning area shall be subject to the areawide plan and to th
within each land use category in the defined planning area. The	2311	development order conditions.
development order shall incorporate by reference the approved	2312	(n) After a development order approving an areawide
areawide development plan. The local government shall not	2313	development plan is received, changes shall be subject to the
approve an areawide development plan that is inconsistent with	2314	provisions of subsection (19), except that the percentages an
the local comprehensive plan, except that a local government may	2315	numerical criteria shall be double those listed in paragraph
amend its comprehensive plan pursuant to paragraph (6)(b).	2316	(19)(b).
(1) Any owner of property within the defined planning area	2317	(11)(26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.
may withdraw his or her consent to the areawide development plan	2318	(a) There is hereby established a process to abandon a
at any time prior to local government approval, with or without	2319	development of regional impact and its associated development
conditions, of the petition; and the plan, the areawide	2320	orders. A development of regional impact and its associated
Page 79 of 137		Page 80 of 137
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20-00962-18 20181244 2321 development orders may be proposed to be abandoned by the owner 2322 or developer. The local government in whose jurisdiction in 2323 which the development of regional impact is located also may 2324 propose to abandon the development of regional impact, provided 2325 that the local government gives individual written notice to 2326 each development-of-regional-impact owner and developer of 2327 record, and provided that no such owner or developer objects in 2328 writing to the local government before prior to or at the public 2329 hearing pertaining to abandonment of the development of regional 2330 impact. The state land planning agency is authorized to 2331 promulgate rules that shall include, but not be limited to, 2332 criteria for determining whether to grant, grant with 2333 conditions, or deny a proposal to abandon, and provisions to 2334 ensure that the developer satisfies all applicable conditions of 2335 the development order and adequately mitigates for the impacts 2336 of the development. If there is no existing development within 2337 the development of regional impact at the time of abandonment 2338 and no development within the development of regional impact is 2339 proposed by the owner or developer after such abandonment, an 2340 abandonment order may shall not require the owner or developer 2341 to contribute any land, funds, or public facilities as a 2342 condition of such abandonment order. The local government must 2343 file rules shall also provide a procedure for filing notice of 2344 the abandonment pursuant to s. 28.222 with the clerk of the 2345 circuit court for each county in which the development of 2346 regional impact is located. Abandonment will be deemed to have 2347 occurred upon the recording of the notice. Any decision by a 2348 local government concerning the abandonment of a development of 2349 regional impact is shall be subject to an appeal pursuant to s. Page 81 of 137

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	20-00962-18 20181244
2350	380.07. The issues in any such appeal <u>must</u> shall be confined to
2351	whether the provisions of this subsection or any rules
2352	promulgated thereunder have been satisfied.
2353	(b) If requested by the owner, developer, or local
2354	government, the development-of-regional-impact development order
2355	must be abandoned by the local government having jurisdiction
2356	upon a showing that all required mitigation related to the
2357	amount of development which existed on the date of abandonment
2358	has been completed or will be completed under an existing permit
2359	or equivalent authorization issued by a governmental agency as
2360	defined in s. 380.031(6), provided such permit or authorization
2361	is subject to enforcement through administrative or judicial
2362	remedies Upon receipt of written confirmation from the state
2363	land planning agency that any required mitigation applicable to
2364	completed development has occurred, an industrial development of
2365	regional impact located within the coastal high-hazard area of a
2366	rural area of opportunity which was approved before the adoption
2367	of the local government's comprehensive plan required under s.
2368	163.3167 and which plan's future land use map and zoning
2369	designates the land use for the development of regional impact
2370	as commercial may be unilaterally abandoned without the need to
2371	proceed through the process described in paragraph (a) if the
2372	developer or owner provides a notice of abandonment to the local
2373	government and records such notice with the applicable clerk of
2374	court. Abandonment shall be deemed to have occurred upon the
2375	recording of the notice. All development following abandonment
2376	$\underline{\text{must}}$ shall be fully consistent with the current comprehensive
2377	plan and applicable zoning.
2378	(c) A development order for abandonment of an approved
1	Page 82 of 137

Page 82 of 137

20-00962-18 20181244	20-00962-18 20181
2379 development of regional impact may be amended by a local	2408 (c) If the binding agreement for designated urban infil
2380 government pursuant to subsection (7), provided that the	2409 and redevelopment areas is not entered into within 12 months
2381 amendment does not reduce any mitigation previously required as	2410 after the designation of the area or July 1, 2007, whichever
2382 a condition of abandonment, unless the developer demonstrates	2411 occurs later, the development-of-regional-impact review for
2383 that changes to the development no longer will result in impacts	2412 projects within the urban infill and redevelopment area must
2384 that necessitated the mitigation.	2413 address transportation impacts only.
2385 (27) RIGHTS, RESPONSIBILITIES, AND OBLICATIONS UNDER A	(d) A local government that does not wish to enter into
2386 DEVELOPMENT ORDERIf a developer or owner is in doubt as to his	2415 binding agreement or that is unable to agree on the terms of
2387 or her rights, responsibilities, and obligations under a	2416 agreement referenced under paragraph (24)(1) or paragraph
2388 development order and the development order does not clearly	2417 (24) (m) shall provide written notification to the state land
2389 define his or her rights, responsibilities, and obligations, the	2418 planning agency of the decision to not enter into a binding
2390 developer or owner may request participation in resolving the	2419 agreement or the failure to enter into a binding agreement
2391 dispute through the dispute resolution process outlined in s.	2420 within the 12-month period referenced in paragraphs (a), (b)
2392 186.509. The Department of Economic Opportunity shall be	2421 (c). Following the notification of the state land planning
2393 notified by certified mail of any meeting held under the process	2422 agency, development-of-regional-impact review for projects
2394 provided for by this subsection at least 5 days before the	2423 within an urban service boundary under paragraph (24)(1), or
2395 meeting.	2424 rural land stewardship area under paragraph (24)(m), must
2396 (28) PARTIAL STATUTORY EXEMPTIONS	2425 address transportation impacts only.
2397 (a) If the binding agreement referenced under paragraph	2426 (c) The vesting provision of s. 163.3167(5) relating to
2398 (24)(1) for urban service boundaries is not entered into within	2427 authorized development of regional impact does not apply to
2399 12 months after establishment of the urban service boundary, the	2428 those projects partially exempt from the development-of-
2400 development-of-regional-impact review for projects within the	2429 regional-impact review process under paragraphs (a)-(d).
2401 urban service boundary must address transportation impacts only.	2430 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS
2402 (b) If the binding agreement referenced under paragraph	2431 (a) The following are exempt from this section:
2403 (24) (m) for rural land stewardship areas is not entered into	2432 1. Any proposed development in a municipality that has
2404 within 12 months after the designation of a rural land	2433 average of at least 1,000 people per square mile of land are
2405 stewardship area, the development-of-regional-impact review for	2434 and a minimum total population of at least 5,000;
2406 projects within the rural land stewardship area must address	2435 2. Any proposed development within a county, including
2407 transportation impacts only.	2436 municipalities located in the county, that has an average of
Page 83 of 137 CODING: Words stricken are deletions; words underlined are additions.	Page 84 of 137 CODING: Words stricken are deletions; words underlined are add
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20-00962-18 20181244		20-00962-18 20181244
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within an urban service area as defined in s. 163.3164 which has	2467	website within 7 days after the list is received. The
been adopted into the comprehensive plan;	2468	designation of jurisdictions that meet the criteria of
3. Any proposed development within a county, including the	2469	subparagraphs 14. is effective upon publication on the state
municipalitics located therein, which has a population of at	2470	land planning agency's Internet website. If a municipality that
least 900,000, that has an average of at least 1,000 people per	2471	has previously met the criteria no longer meets the criteria,
square mile of land area, but which does not have an urban	2472	the state land planning agency shall maintain the municipality
service area designated in the comprehensive plan; or	2473	on the list and indicate the year the jurisdiction last met the
4. Any proposed development within a county, including the	2474	criteria. However, any proposed development of regional impact
municipalitics located therein, which has a population of at	2475	not within the established boundaries of a municipality at the
least 1 million and is located within an urban service area as	2476	time the municipality last met the criteria must meet the
defined in s. 163.3164 which has been adopted into the	2477	requirements of this section until such time as the municipality
comprehensive plan.	2478	as a whole meets the criteria. Any county that meets the
	2479	criteria shall remain on the list in accordance with the
The Office of Economic and Demographic Research within the	2480	provisions of this paragraph. Any jurisdiction that was placed
Legislature shall annually calculate the population and density	2481	on the dense urban land area list before June 2, 2011, shall
criteria needed to determine which jurisdictions meet the	2482	remain on the list in accordance with the provisions of this
density criteria in subparagraphs 14. by using the most recent	2483	paragraph.
land area data from the decennial census conducted by the Bureau	2484	(b) If a municipality that does not qualify as a dense
of the Census of the United States Department of Commerce and	2485	urban land area pursuant to paragraph (a) designates any of the
the latest available population estimates determined pursuant to	2486	following areas in its comprehensive plan, any proposed
s. 186.901. If any local government has had an annexation,	2487	development within the designated area is exempt from the
contraction, or new incorporation, the Office of Economic and	2488	<pre>development-of-regional-impact process:</pre>
Demographic Research shall determine the population density	2489	1. Urban infill as defined in s. 163.3164;
using the new jurisdictional boundaries as recorded in	2490	2. Community redevelopment areas as defined in s. 163.340;
accordance with s. 171.091. The Office of Economic and	2491	3. Downtown revitalization areas as defined in s. 163.3164;
Demographic Research shall annually submit to the state land	2492	4. Urban infill and redevelopment under s. 163.2517; or
planning agency by July 1 a list of jurisdictions that meet the	2493	5. Urban service areas as defined in s. 163.3164 or areas
total population and density criteria. The state land planning	2494	within a designated urban service boundary under s.
Page 85 of 137		Page 86 of 137
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20-00962-18 20181244		20-00962-18 20181244
163.3177(14), Florida Statutes (2010).	252	4 regional-impact review but for the exemption from the program
(c) If a county that does not qualify as a dense urban land	252	
area designates any of the following areas in its comprehensive	252	
plan, any proposed development within the designated area is	252	
exempt from the development-of-regional-impact process:	252	8 adopted under chapter 163.
1. Urban infill as defined in s. 163.3164;	252	9 (g) If a local government that qualifies as a dense urban
2. Urban infill and redevelopment under s. 163.2517; or	253	0 land area under this subsection is subsequently found to be
3. Urban service areas as defined in s. 163.3164.	253	1 incligible for designation as a dense urban land area, any
(d) A development that is located partially outside an area	253	2 development located within that area which has a complete,
that is exempt from the development-of-regional-impact program	253	3 pending application for authorization to commence development
<pre>must undergo development-of-regional-impact review pursuant to</pre>	253	4 may maintain the exemption if the developer is continuing the
this section. However, if the total acreage that is included	253	5 application process in good faith or the development is
within the area exempt from development of regional impact	253	6 approved.
review exceeds 85 percent of the total acreage and square	253	7 (h) This subsection does not limit or modify the rights of
footage of the approved development of regional impact, the	253	8 any person to complete any development that has been authorized
development-of-regional-impact development order may be	253	9 as a development of regional impact pursuant to this chapter.
rescinded in both local governments pursuant to s. 380.115(1),	254	0 (i) This subsection does not apply to areas:
unless the portion of the development outside the exempt area	254	1 1. Within the boundary of any area of critical state
meets the threshold criteria of a development-of-regional-	254	2 concern designated pursuant to s. 380.05;
impact.	254	3 2. Within the boundary of the Wekiva Study Area as
(c) In an area that is exempt under paragraphs (a)-(c), any	254	4 described in s. 369.316; or
previously approved development-of-regional-impact development	254	5 3. Within 2 miles of the boundary of the Everglades
orders shall continue to be effective, but the developer has the	254	6 Protection Area as described in s. 373.4592(2).
option to be governed by s. 380.115(1). A pending application	254	7 (12) (30) PROPOSED DEVELOPMENTSA proposed development that
for development approval shall be governed by s. 380.115(2).	254	8 exceeds the statewide guidelines and standards specified in s.
(f) Local governments must submit by mail a development	254	9 380.0651 and is not otherwise exempt pursuant to s. 380.0651
order to the state land planning agency for projects that would	255	0 <u>must</u> otherwise subject to the review requirements of this
be larger than 120 percent of any applicable development-of-	255	1 section shall be approved by a local government pursuant to s.
regional-impact threshold and would require development-of-	255	
Page 87 of 137		Page 88 of 137
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2553section. However, if the proposed development is consistent wi2554the comprehensive plan as provided in s. 163.3194(3) (b), the2555development is not required to undergo review pursuant to s.2556163.3184(4) or this section. This subsection does not apply to2557amendments to a development order governing an existing2558development of regional impact.2559Section 2. Section 380.061, Florida Statutes, is amended2560read:2561380.061 The Florida Quality Developments program2562(1) This section only applies to developments approved as2563Florida Quality Developments before the effective date of this2564act There is hereby created the Florida Quality Developments2565program. The intent of this program is to encourage development2566government of providing services to a growing community, and t2577high quality of life Floridians desire. It is further intended258that the developer be provided, through a cooperative and2571coordinated effort, an expeditious and timely review by all2572agencies with jurisdiction over the project of his or her2573proposed development.2574(2) Following written notification to the state land2575planning agency and the appropriate regional planning agency,2576local government with an approved Florida Quality Development2571within its jurisdiction must set a public hearing pursuant to2572its local procedures and shall adopt a local development order<		
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2569 high quality of life Floridians desire. It is further intended that the developer be provided, through a cooperative and 2570 coordinated effort, an expeditious and timely review by all agencies with jurisdiction over the project of his or her proposed development. 2574 (2) Following written notification to the state land planning agency and the appropriate regional planning agency, 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	2567	protection of Florida's natural amenities, the cost to local
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2576 local government with an approved Florida Quality Development 2577 within its jurisdiction must set a public hearing pursuant to 2578 its local procedures and shall adopt a local development order 2579 to replace and supersede the development order adopted by the 2580 state land planning agency for the Florida Quality Development	2574	(2) Following written notification to the state land
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2578 its local procedures and shall adopt a local development order 2579 to replace and supersede the development order adopted by the 2580 state land planning agency for the Florida Quality Development	2576	local government with an approved Florida Quality Development
2579to replace and supersede the development order adopted by the2580state land planning agency for the Florida Quality Development	2577	within its jurisdiction must set a public hearing pursuant to
2580 state land planning agency for the Florida Quality Development	2578	its local procedures and shall adopt a local development order
	2579	to replace and supersede the development order adopted by the
2581 Thereafter, the Florida Quality Development shall follow the	2580	state land planning agency for the Florida Quality Development.
	2581	Thereafter, the Florida Quality Development shall follow the

Page 89 of 137

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20-00962-18 20181: 2582 procedures and requirements for developments of regional importance 2583 as specified in this chapter 2584 as Florida Quality Developments are those developments which 2585 above 80 percent of any numerical thresholds in the quideline	<u>act</u> ated are es ant
2583as specified in this chapterDevelopments that may be design.2584as Florida Quality Developments are those developments which	are are es uant
2584 as Florida Quality Developments are those developments which	-are es uant
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2585 shows 80 percent of any numerical thresholds in the guideling	uant
2303 above of percent of any numerical encodeds in the guideling	
2586 and standards for development of regional impact review purs	9 .,
2587 to s. 380.06 .	A,
2588 (3) (a) To be eligible for designation under this program	
2589 the developer shall comply with each of the following	
2590 requirements if applicable to the site of a qualified	
2591 development:	
2592 1. Donate or enter into a binding commitment to donate	:he
2593 fee or a lesser interest sufficient to protect, in perpetuit	tr
2594 the natural attributes of the types of land listed below. In	
2595 lieu of this requirement, the developer may enter into a bin	ling
2596 commitment that runs with the land to set aside such areas of	÷
2597 the property, in perpetuity, as open space to be retained in	-a
2598 natural condition or as otherwise permitted under this	
2599 subparagraph. Under the requirements of this subparagraph, the	ie
2600 developer may reserve the right to use such areas for passive	÷
2601 recreation that is consistent with the purposes for which the	÷
2602 land was preserved.	
2603 a. Those wetlands and water bodies throughout the state	
2604 which would be delineated if the provisions of s. 373.4145(1	(b)
2605 were applied. The developer may use such areas for the purpose	}e
2606 of site access, provided other routes of access are unavailable)le
2607 or impracticable; may use such areas for the purpose of	
2608 stormwater or domestic sewage management and other necessary	
2609 utilities if such uses are permitted pursuant to chapter 403	-or
2610 may redesign or alter wetlands and water bodies within the	
Page 90 of 137	

	20-00962-18 20181244		20-00962-18 201812
2611	jurisdiction of the Department of Environmental Protection which	2640	4. Incorporate no dredge and fill activities in, and no
2612	have been artificially created if the redesign or alteration is	2641	stormwater discharge into, waters designated as Class II,
2613	done so as to produce a more naturally functioning system.	2642	aquatic preserves, or Outstanding Florida Waters, except as
2614	b. Active beach or primary and, where appropriate,	2643	permitted pursuant to s. 403.813(1), and the developer
2615	secondary dunes, to maintain the integrity of the dune system	2644	demonstrates that those activities meet the standards under
2616	and adequate public accessways to the beach. However, the	2645	Class II waters, Outstanding Florida Waters, or aquatic
2617	developer may retain the right to construct and maintain	2646	preserves, as applicable.
2618	elevated walkways over the dunes to provide access to the beach.	2647	5. Include open space, recreation areas, Florida-friendl
2619	c. Known archaeological sites determined to be of	2648	landscaping as defined in s. 373.185, and energy conservation
2620	significance by the Division of Historical Resources of the	2649	and minimize impermeable surfaces as appropriate to the local
2621	Department of State.	2650	and type of project.
2622	d. Areas known to be important to animal species designated	2651	6. Provide for construction and maintenance of all onsi
2623	as endangered or threatened by the United States Fish and	2652	infrastructure necessary to support the project and enter in
2624	Wildlife Service or by the Fish and Wildlife Conservation	2653	binding commitment with local government to provide an
2625	Commission, for reproduction, feeding, or nesting; for traveling	2654	appropriate fair-share contribution toward the offsite impac
2626	between such areas used for reproduction, feeding, or nesting;	2655	that the development will impose on publicly funded faciliti
2627	or for escape from predation.	2656	and services, except offsite transportation, and condition o
2628	c. Areas known to contain plant species designated as	2657	phase the commencement of development to ensure that public
2629	endangered by the Department of Agriculture and Consumer	2658	facilities and services, except offsite transportation, are
2630	Services.	2659	available concurrent with the impacts of the development. For
2631	2. Produce, or dispose of, no substances designated as	2660	the purposes of offsite transportation impacts, the develope
2632	hazardous or toxic substances by the United States Environmental	2661	shall comply, at a minimum, with the standards of the state
2633	Protection Agency, the Department of Environmental Protection,	2662	planning agency's development-of-regional-impact transportat.
2634	or the Department of Agriculture and Consumer Services. This	2663	rule, the approved strategic regional policy plan, any
2635	subparagraph does not apply to the production of these	2664	applicable regional planning council transportation rule, and
2636	substances in nonsignificant amounts as would occur through	2665	the approved local government comprehensive plan and land
2637	household use or incidental use by businesses.	2666	development regulations adopted pursuant to part II of chapt
2638	3. Participate in a downtown reuse or redevelopment program	2667	163.
2639	to improve and rehabilitate a declining downtown area.	2668	7. Design and construct the development in a manner that
·	Page 91 of 137		Page 92 of 137
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	20-00962-18 20181244			20-00962-18 20181244
59	consistent with the adopted state plan, the applicable strategic		2698	conferences with the other reviewing entities. Upon the request
70	regional policy plan, and the applicable adopted local		2699	of the developer or any of the reviewing entities, other
71	government comprehensive plan.		2700	affected state or regional agencies shall participate in this
72	(b) In addition to the foregoing requirements, the		2701	conference. The department, in coordination with the local
73	developer shall plan and design his or her development in a		2702	government with jurisdiction and the regional planning council,
74	manner which includes the needs of the people in this state as		2703	shall provide the developer information about the Florida
75	identified in the state comprehensive plan and the quality of		2704	Quality Developments designation process and the use of
76	life of the people who will live and work in or near the		2705	preapplication conferences to identify issues, coordinate
77	development. The developer is encouraged to plan and design his		2706	appropriate state, regional, and local agency requirements,
78	or her development in an innovative manner. These planning and		2707	fully address any concerns of the local government, the regional
79	design features may include, but are not limited to, such things		2708	planning council, and other reviewing agencies and the meeting
30	as affordable housing, care for the elderly, urban renewal or		2709	of those concerns, if applicable, through development order
31	redevelopment, mass transit, the protection and preservation of		2710	conditions, and otherwise promote a proper, efficient, and
32	wetlands outside the jurisdiction of the Department of		2711	timely review of the proposed Florida Quality Development. The
33	Environmental Protection or of uplands as wildlife habitat,		2712	department shall take the lead in coordinating the review
34	provision for the recycling of solid waste, provision for onsite		2713	process.
35	child care, enhancement of emergency management capabilities,		2714	(b) The developer shall submit the application to the state
36	the preservation of areas known to be primary habitat for		2715	land planning agency, the appropriate regional planning agency,
37	significant populations of species of special concern designated		2716	and the appropriate local government for review. The review
88	by the Fish and Wildlife Conservation Commission, or community		2717	shall be conducted under the time limits and procedures set
9	economic development. These additional amenities will be		2718	forth in s. 120.60, except that the 90-day time limit shall
0	considered in determining whether the development qualifies for		2719	cease to run when the state land planning agency and the local
91	designation under this program.		2720	government have notified the applicant of their decision on
2	(4) The department shall adopt an application for		2721	whether the development should be designated under this program.
3	development designation consistent with the intent of this		2722	(c) At any time prior to the issuance of the Florida
94	section.		2723	Quality Development development order, the developer of a
95	(5) (a) Before filing an application for development		2724	proposed Florida Quality Development shall have the right to
6	designation, the developer shall contact the Department of		2725	withdraw the proposed project from consideration as a Florida
97	Economic Opportunity to arrange one or more preapplication		2726	Quality Development. The developer may elect to convert the
	Page 93 of 137			Page 94 of 137
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20-00962-18 20181244	20	0-00962-18 20181244
2727 proposed project to a proposed development of regional impact.	2756 p a	aragraph.
2728 The conversion shall be in the form of a letter to the reviewing	2757	(d) If the local government and state land planning agency
2729 entities stating the developer's intent to seek authorization	2758 a q	gree that the project should be designated under this program,
2730 for the development as a development of regional impact under s.	2759 tl	he state land planning agency shall issue a development order
2731 380.06. If a proposed Florida Quality Development converts to a	2760 wl	hich incorporates the plan of development as set out in the
2732 development of regional impact, the developer shall resubmit the	2761 ag	pplication along with any agreed-upon modifications and
2733 appropriate application and the development shall be subject to	2762 co	onditions, based on recommendations by the local government an
2734 all applicable procedures under s. 380.06, except that:	2763 r e	egional planning council, and a certification that the
2735 1. A preapplication conference held under paragraph (a)	2764 d	evelopment is designated as one of Florida's Quality
2736 satisfies the preapplication procedures requirement under s.	2765 D e	evelopments. In the event of conflicting recommendations, the
2737 380.06(7); and	2766 st	tate land planning agency, after consultation with the local
2738 2. If requested in the withdrawal letter, a finding of	2767 g a	overnment and the regional planning agency, shall resolve such
2739 completeness of the application under paragraph (a) and s.	2768 co	onflicts in the development order. Upon designation, the
2740 120.60 may be converted to a finding of sufficiency by the	2769 d	evelopment, as approved, is exempt from development-of-
2741 regional planning council if such a conversion is approved by	2770 r e	egional-impact review pursuant to s. 380.06.
2742 the regional planning council.	2771	(c) If the local government or state land planning agency,
2743	2772 👴	r both, recommends against designation, the development shall
2744 The regional planning council shall have 30 days to notify the	2773 ur	ndergo development-of-regional-impact review pursuant to s.
2745 developer if the request for conversion of completeness to	2774 - 38	80.06, except as provided in subsection (6) of this section.
2746 sufficiency is granted or denied. If granted and the application	2775	(6) (a) In the event that the development is not designated
2747 is found sufficient, the regional planning council shall notify	2776 ur	nder subsection (5), the developer may appeal that
2748 the local government that a public hearing date may be set to	2777 d	etermination to the Quality Developments Review Board. The
2749 consider the development for approval as a development of	2778 be	ward shall consist of the secretary of the state land planning
2750 regional impact, and the development shall be subject to all	2779 a g	gency, the Secretary of Environmental Protection and a member
2751 applicable rules, standards, and procedures of s. 380.06. If the	2780 d	esignated by the secretary, the Secretary of Transportation,
2752 request for conversion of completeness to sufficiency is denied,	2781 ti	he executive director of the Fish and Wildlife Conservation
2753 the developer shall resubmit the appropriate application for	2782 🚭	commission, the executive director of the appropriate water
2754 review and the development shall be subject to all applicable		anagement district created pursuant to chapter 373, and the
2755 procedures under s. 380.06, except as otherwise provided in this	2784 cł	hief executive officer of the appropriate local government.
Page 95 of 137		Page 96 of 137
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1	20-00962-18 20181244	I	20-00962-18 20181244
2785	When there is a significant historical or archaeological site	2814	procedures necessary to implement the Florida Quality
2786	within the boundaries of a development which is appealed to the	2815	Developments program. The rules must include, but need not be
2787	board, the director of the Division of Historical Resources of	2816	limited to, provisions governing annual reports and criteria for
2788	the Department of State shall also sit on the board. The staff	2817	determining whether a proposed change to an approved Florida
2789	of the state land planning agency shall serve as staff to the	2818	Quality Development is a substantial change requiring further
2790	board.	2819	review.
2791	(b) The board shall meet once each quarter of the year.	2820	Section 3. Section 380.0651, Florida Statutes, is amended
2792	However, a meeting may be waived if no appeals are pending.	2821	to read:
2793	(c) On appeal, the sole issue shall be whether the	2822	380.0651 Statewide guidelines <u>, and</u> standards <u>, and</u>
2794	development meets the statutory criteria for designation under	2823	exemptions
2795	this program. An affirmative vote of at least five members of	2824	(1) STATEWIDE GUIDELINES AND STANDARDS The statewide
2796	the board, including the affirmative vote of the chief executive	2825	guidelines and standards for developments required to undergo
2797	officer of the appropriate local government, shall be necessary	2826	development of regional impact review provided in this section
2798	to designate the development by the board.	2827	supersede the statewide guidelines and standards previously
2799	(d) The state land planning agency shall adopt procedural	2828	adopted by the Administration Commission that address the same
2800	rules for consideration of appeals under this subsection.	2829	development. Other standards and guidelines previously adopted
2801	(7) (a) The development order issued pursuant to this	2830	by the Administration Commission, including the residential
2802	section is enforceable in the same manner as a development order	2831	standards and guidelines, shall not be superseded. The
2803	issued pursuant to s. 380.06.	2832	guidelines and standards shall be applied in the manner
2804	(b) Appeal of a development order issued pursuant to this	2833	described in s. 380.06(2)(a).
2805	section shall be available only pursuant to s. 380.07.	2834	(2) The Administration Commission shall publish the
2806	(8) (a) Any local government comprehensive plan amendments	2835	statewide guidelines and standards established in this section
2807	related to a Florida Quality Development may be initiated by a	2836	in its administrative rule in place of the guidelines and
2808	local planning agency and considered by the local governing body	2837	standards that are superseded by this act, without the
2809	at the same time as the application for development approval.	2838	proceedings required by s. 120.54 and notwithstanding the
2810	Nothing in this subsection shall be construed to require	2839	provisions of s. 120.545(1)(c). The Administration Commission
2811	favorable consideration of a Florida Quality Development solely	2840	shall initiate rulemaking proceedings pursuant to s. 120.54 to
2812	because it is related to a development of regional impact.	2841	make all other technical revisions necessary to conform the
2813	(b) The department shall adopt, by rule, standards and	2842	rules to this act. Rule amendments made pursuant to this
1	Page 97 of 137		Page 98 of 137
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1	20-00962-18 20181244		20-00962-18 2
343	subsection shall not be subject to the requirement for	2872	facilities that may include increases in square footage
344	legislative approval pursuant to s. 380.06(2).	2873	facilities but does not increase the number of gates or
45	(3) Subject to the exemptions and partial exemptions	2874	the existing types of aircraft activity is not a develop
46	specified in this section, the following statewide guidelines	2875	regional impact.
47	and standards shall be applied in the manner described in s.	2876	(b) Attractions and recreation facilitiesAny spor
48	380.06(2) to determine whether the following developments $\underline{\text{are}}$	2877	entertainment, amusement, or recreation facility, includ
19	subject to the requirements of s. 380.06 shall be required to	2878	not limited to, a sports arena, stadium, racetrack, tour
50	<pre>undergo development-of-regional-impact review:</pre>	2879	attraction, amusement park, or pari-mutuel facility, the
51	(a) Airports.—	2880	construction or expansion of which:
52	1. Any of the following airport construction projects ${\rm is}$	2881	1. For single performance facilities:
53	shall be a development of regional impact:	2882	a. Provides parking spaces for more than 2,500 cars
54	a. A new commercial service or general aviation airport	2883	b. Provides more than 10,000 permanent seats for
55	with paved runways.	2884	spectators.
56	b. A new commercial service or general aviation paved	2885	2. For serial performance facilities:
57	runway.	2886	a. Provides parking spaces for more than 1,000 cars
58	c. A new passenger terminal facility.	2887	b. Provides more than 4,000 permanent seats for spe
59	2. Lengthening of an existing runway by 25 percent or an	2888	
50	increase in the number of gates by 25 percent or three gates,	2889	For purposes of this subsection, "serial performance fac
51	whichever is greater, on a commercial service airport or a	2890	means those using their parking areas or permanent seati
52	general aviation airport with regularly scheduled flights is a	2891	than one time per day on a regular or continuous basis.
63	development of regional impact. However, expansion of existing	2892	(c) Office developmentAny proposed office buildin
54	terminal facilities at a nonhub or small hub commercial service	2893	park operated under common ownership, development plan,
65	airport $\underline{\mathrm{is}}$ shall not be a development of regional impact.	2894	management that:
66	3. Any airport development project which is proposed for	2895	1. Encompasses 300,000 or more square feet of gross
67	safety, repair, or maintenance reasons alone and would not have	2896	area; or
68	the potential to increase or change existing types of aircraft	2897	2. Encompasses more than 600,000 square feet of gro
59	activity is not a development of regional impact.	2898	area in a county with a population greater than 500,000
70	Notwithstanding subparagraphs 1. and 2., renovation,	2899	in a geographic area specifically designated as highly s
71	modernization, or replacement of airport airside or terminal	2900	for increased threshold intensity in the approved local
	Page 99 of 137		Page 100 of 137
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	20-00962-18 201	31244	20-00962-18 20181244
2901	comprehensive plan.	2930	development in one county as being located in a less populated
2902	(d) Retail and service development.—Any proposed reta	il, 2931	adjacent county unless more than 25 percent of the development
2903	service, or wholesale business establishment or group of	2932	is located within 2 miles or less of the less populated adjacent
2904	establishments which deals primarily with the general publ	ic 2933	county. The residential thresholds of adjacent counties with
2905	onsite, operated under one common property ownership,	2934	less population and a lower threshold may not be controlling on
2906	development plan, or management that:	2935	any development wholly located within areas designated as rural
2907	1. Encompasses more than 400,000 square feet of gross	area; 2936	areas of opportunity.
2908	or	2937	(h) Workforce housingThe applicable guidelines for
2909	2. Provides parking spaces for more than 2,500 cars.	2938	residential development and the residential component for
2910	(e) Recreational vehicle developmentAny proposed	2939	multiuse development shall be increased by 50 percent where the
2911	recreational vehicle development planned to create or	2940	developer demonstrates that at least 15 percent of the total
2912	accommodate 500 or more spaces.	2941	residential dwelling units authorized within the development of
2913	(f) Multiuse developmentAny proposed development wi	th two 2942	regional impact will be dedicated to affordable workforce
2914	or more land uses where the sum of the percentages of the	2943	housing, subject to a recorded land use restriction that shall
2915	appropriate thresholds identified in chapter 28-24, Florid	a 2944	be for a period of not less than 20 years and that includes
2916	Administrative Code, or this section for each land use in	the 2945	resale provisions to ensure long-term affordability for income-
2917	development is equal to or greater than 145 percent. Any	2946	eligible homeowners and renters and provisions for the workforce
2918	proposed development with three or more land uses, one of	which 2947	housing to be commenced prior to the completion of 50 percent of
2919	is residential and contains at least 100 dwelling units or	15 2948	the market rate dwelling. For purposes of this paragraph, the
2920	percent of the applicable residential threshold, whichever	is 2949	term "affordable workforce housing" means housing that is
2921	greater, where the sum of the percentages of the appropria	2950	affordable to a person who earns less than 120 percent of the
2922	thresholds identified in chapter 28-24, Florida Administra	2951 2951	area median income, or less than 140 percent of the area median
2923	Code, or this section for each land use in the development	is 2952	income if located in a county in which the median purchase price
2924	equal to or greater than 160 percent. This threshold is in	2953	for a single-family existing home exceeds the statewide median
2925	addition to, and does not preclude, a development from bei	ng 2954	purchase price of a single-family existing home. For the
2926	required to undergo development-of-regional-impact review	under 2955	purposes of this paragraph, the term "statewide median purchase
2927	any other threshold.	2956	price of a single-family existing home" means the statewide
2928	(g) Residential developmentA rule may not be adopte	d 2957	purchase price as determined in the Florida Sales Report,
2929	concerning residential developments which treats a residen	tial 2958	Single-Family Existing Homes, released each January by the
I	Page 101 of 137		Page 102 of 137
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	20-00962-18 20181244
2959	
2960	Real Estate Research Center.
2961	(i) Schools
2962	1. The proposed construction of any public, private, or
2963	proprietary postsecondary educational campus which provides for
2964	a design population of more than 5,000 full-time equivalent
2965	students, or the proposed physical expansion of any public,
2966	private, or proprietary postsecondary educational campus having
2967	such a design population that would increase the population by
2968	at least 20 percent of the design population.
2969	2. As used in this paragraph, "full-time equivalent
2970	student" means enrollment for 15 or more quarter hours during a
2971	single academic semester. In career centers or other
2972	institutions which do not employ semester hours or quarter hours
2973	in accounting for student participation, enrollment for 18
2974	contact hours shall be considered equivalent to one quarter
2975	hour, and enrollment for 27 contact hours shall be considered
2976	equivalent to one semester hour.
2977	3. This paragraph does not apply to institutions which are
2978	the subject of a campus master plan adopted by the university
2979	board of trustees pursuant to s. 1013.30.
2980	(2) STATUTORY EXEMPTIONS The following developments are
2981	exempt from s. 380.06:
2982	(a) Any proposed hospital.
2983	(b) Any proposed electrical transmission line or electrical
2984	power plant.
2985	(c) Any proposed addition to an existing sports facility
2986	complex if the addition meets the following characteristics:
2987	1. It would not operate concurrently with the scheduled
I	D 100 C 107

Page 103 of 137

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	20-00962-18 20181244
2988	hours of operation of the existing facility;
2989	2. Its seating capacity would be no more than 75 percent of
2990	the capacity of the existing facility; and
2991	3. The sports facility complex property was owned by a
2992	public body before July 1, 1983.
2993	
2994	This exemption does not apply to any pari-mutuel facility as
2995	defined in s. 550.002.
2996	(d) Any proposed addition or cumulative additions
2997	subsequent to July 1, 1988, to an existing sports facility
2998	complex owned by a state university, if the increased seating
2999	capacity of the complex is no more than 30 percent of the
3000	capacity of the existing facility.
3001	(e) Any addition of permanent seats or parking spaces for
3002	an existing sports facility located on property owned by a
3003	public body before July 1, 1973, if future additions do not
3004	expand existing permanent seating or parking capacity more than
3005	15 percent annually in excess of the prior year's capacity.
3006	(f) Any increase in the seating capacity of an existing
3007	sports facility having a permanent seating capacity of at least
3008	50,000 spectators, provided that such an increase does not
3009	increase permanent seating capacity by more than 5 percent per
3010	year and does not exceed a total of 10 percent in any 5-year
3011	period. The sports facility must notify the appropriate local
3012	government within which the facility is located of the increase
3013	at least 6 months before the initial use of the increased
3014	seating in order to permit the appropriate local government to
3015	develop a traffic management plan for the traffic generated by
3016	the increase. Any traffic management plan must be consistent
1	Page 104 of 137

I	20-00962-18 20181244_
017	with the local comprehensive plan, the regional policy plan, and
018	the state comprehensive plan.
019	(g) Any expansion in the permanent seating capacity or
20	additional improved parking facilities of an existing sports
21	facility, if the following conditions exist:
22	1.a. The sports facility had a permanent seating capacity
23	on January 1, 1991, of at least 41,000 spectator seats;
24	b. The sum of such expansions in permanent seating capacity
25	does not exceed a total of 10 percent in any 5-year period and
26	does not exceed a cumulative total of 20 percent for any such
27	expansions; or
28	c. The increase in additional improved parking facilities
29	is a one-time addition and does not exceed 3,500 parking spaces
30	serving the sports facility; and
31	2. The local government having jurisdiction over the sports
32	facility includes in the development order or development permit
33	approving such expansion under this paragraph a finding of fact
34	that the proposed expansion is consistent with the
35	transportation, water, sewer, and stormwater drainage provisions
36	of the approved local comprehensive plan and local land
37	development regulations relating to those provisions.
38	(h) Expansion to port harbors, spoil disposal sites,
39	navigation channels, turning basins, harbor berths, and other
40	related inwater harbor facilities of the ports specified in s.
41	403.021(9)(b) when such expansions, projects, or facilities are
42	consistent with port master plans and are in compliance with s.
13	163.3178.
44	(i) Any proposed facility for the storage of any petroleum
45	product or any expansion of an existing facility.
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	Page 105 of 137

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1	20-00962-18 20181244
3046	(j) Any renovation or redevelopment within the same parcel
3047	as the existing development if such renovation or redevelopment
3048	does not change land use or increase density or intensity of
3049	use.
3050	(k) Waterport and marina development, including dry storage
3051	facilities.
3052	(1) Any proposed development within an urban service area
3053	boundary established under s. 163.3177(14), Florida Statutes
3054	(2010), that is not otherwise exempt pursuant to subsection (3),
3055	if the local government having jurisdiction over the area where
3056	the development is proposed has adopted the urban service area
3057	boundary and has entered into a binding agreement with
3058	jurisdictions that would be impacted and with the Department of
3059	Transportation regarding the mitigation of impacts on state and
3060	regional transportation facilities.
3061	(m) Any proposed development within a rural land
3062	stewardship area created under s. 163.3248.
3063	(n) The establishment, relocation, or expansion of any
3064	military installation as specified in s. 163.3175.
3065	(o) Any self-storage warehousing that does not allow retail
3066	or other services.
3067	(p) Any proposed nursing home or assisted living facility.
3068	(q) Any development identified in an airport master plan
3069	and adopted into the comprehensive plan pursuant to s.
3070	<u>163.3177(6)(b)4.</u>
3071	(r) Any development identified in a campus master plan and
3072	adopted pursuant to s. 1013.30.
3073	(s) Any development in a detailed specific area plan
3074	prepared and adopted pursuant to s. 163.3245.
I	Page 106 of 137
	rage 100 DI 137

SB 1244

	20-00962-18 20181244
3075	20-00962-18 20181244
3075	
	addition to, expansion of, or change to an existing solid
3077	mineral mine. A mine owner must, however, enter into a binding
3078	agreement with the Department of Transportation to mitigate
3079	impacts to strategic intermodal system facilities.
3080	Notwithstanding this requirement, pursuant to s. 380.115(1), a
3081	previously approved solid mineral mine development-of-regional-
3082	impact development order continues to have vested rights and
3083	continues to be effective unless rescinded by the developer. All
3084	local government regulations of proposed solid mineral mines are
3085	applicable to any new solid mineral mine or to any proposed
3086	addition to, expansion of, or change to an existing solid
3087	mineral mine.
3088	(u) Notwithstanding any provision in an agreement with or
3089	among a local government, regional agency, or the state land
3090	planning agency or in a local government's comprehensive plan to
3091	the contrary, a project no longer subject to development-of-
3092	regional-impact review under the revised thresholds specified in
3093	s. 380.06(2)(b) and this section.
3094	(v) Any development within a county that has a research and
3095	education authority created by special act and which is also
3096	within a research and development park that is operated or
3097	managed by a research and development authority pursuant to part
3098	V of chapter 159.
3099	(w) Any development in an energy economic zone designated
3100	pursuant to s. 377.809 upon approval by its local governing
3101	body.
3102	
3103	If a use is exempt from review pursuant to paragraphs (a)-(u),
	Page 107 of 137

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1	20-00962-18 20181244
3104	but will be part of a larger project that is subject to review
3105	pursuant to s. 380.06(12), the impact of the exempt use must be
3106	included in the review of the larger project, unless such exempt
3107	use involves a development that includes a landowner, tenant, or
3108	user that has entered into a funding agreement with the
3109	Department of Economic Opportunity under the Innovation
3110	Incentive Program and the agreement contemplates a state award
3111	of at least \$50 million.
3112	(3) EXEMPTIONS FOR DENSE URBAN LAND AREAS
3113	(a) The following are exempt from the requirements of s.
3114	380.06:
3115	1. Any proposed development in a municipality that has an
3116	average of at least 1,000 people per square mile of land area
3117	and a minimum total population of at least 5,000;
3118	2. Any proposed development within a county, including the
3119	municipalities located therein, having an average of at least
3120	1,000 people per square mile of land area and the development is
3121	located within an urban service area as defined in s. 163.3164
3122	which has been adopted into the comprehensive plan as defined in
3123	<u>s. 163.3164;</u>
3124	3. Any proposed development within a county, including the
3125	municipalities located therein, having a population of at least
3126	900,000 and an average of at least 1,000 people per square mile
3127	of land area, but which does not have an urban service area
3128	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

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area as defined in s. 163.3164 which has been adopted into the Page 108 of 137

20-00962-18 20181244	
3133 comprehensive plan.	
3134	
3135 The Office of Economic and Demographic Research within the	
3136 Legislature shall annually calculate the population and density	
3137 criteria needed to determine which jurisdictions meet the	
3138 density criteria in subparagraphs 14. by using the most recent	
3139 land area data from the decennial census conducted by the Bureau	
3140 of the Census of the United States Department of Commerce and	
3141 the latest available population estimates determined pursuant to	
3142 s. 186.901. If any local government has had an annexation,	
3143 contraction, or new incorporation, the Office of Economic and	
3144 Demographic Research shall determine the population density	
3145 using the new jurisdictional boundaries as recorded in	
3146 accordance with s. 171.091. The Office of Economic and	
3147 Demographic Research shall annually submit to the state land	
3148 planning agency by July 1 a list of jurisdictions that meet the	
3149 total population and density criteria. The state land planning	
3150 agency shall publish the list of jurisdictions on its website	
3151 within 7 days after the list is received. The designation of	
3152 jurisdictions that meet the criteria of subparagraphs 14. is	
3153 effective upon publication on the state land planning agency's	
3154 website. If a municipality that has previously met the criteria	
3155 no longer meets the criteria, the state land planning agency	
3156 must maintain the municipality on the list and indicate the year	
3157 the jurisdiction last met the criteria. However, any proposed	
3158 development of regional impact not within the established	
3159 boundaries of a municipality at the time the municipality last	
3160 met the criteria must meet the requirements of this section	
3161 <u>until the municipality as a whole meets the criteria. Any county</u>	
Page 109 of 137	,
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	20-00962-18 20181244
3162	that meets the criteria must remain on the list. Any
3163	jurisdiction that was placed on the dense urban land area list
3164	before June 2, 2011, must remain on the list.
3165	(b) If a municipality that does not qualify as a dense
3166	urban land area pursuant to paragraph (a) designates any of the
3167	following areas in its comprehensive plan, any proposed
3168	development within the designated area is exempt from s. 380.06
3169	unless otherwise required by part II of chapter 163:
3170	1. Urban infill as defined in s. 163.3164;
3171	2. Community redevelopment areas as defined in s. 163.340;
3172	3. Downtown revitalization areas as defined in s. 163.3164;
3173	4. Urban infill and redevelopment under s. 163.2517; or
3174	5. Urban service areas as defined in s. 163.3164 or areas
3175	within a designated urban service area boundary pursuant to s.
3176	163.3177(14), Florida Statutes (2010).
3177	(c) If a county that does not qualify as a dense urban land
3178	area designates any of the following areas in its comprehensive
3179	plan, any proposed development within the designated area is
3180	exempt from the development-of-regional-impact process:
3181	1. Urban infill as defined in s. 163.3164;
3182	2. Urban infill and redevelopment pursuant to s. 163.2517;
3183	or
3184	3. Urban service areas as defined in s. 163.3164.
3185	(d) If any part of the development is located an area that
3186	is exempt from s. 380.06, all of the development is exempt from
3187	<u>s. 380.06.</u>
3188	(e) In an area that is exempt under paragraphs (a), (b),
3189	and (c), any previously approved development-of-regional-impact
3190	development orders shall continue to be effective. However, the
'	Page 110 of 137

1	20-00962-18 20181244
3191	developer has the option to be governed by s. 380.115(1).
3192	(f) If a local government qualifies as a dense urban land
3193	area under this subsection and is subsequently found to be
3194	ineligible for designation as a dense urban land area, any
3195	development located within that area which has a complete,
3196	pending application for authorization to commence development
3197	shall maintain the exemption if the developer is continuing the
3198	application process in good faith or the development is
3199	approved.
3200	(g) This subsection does not limit or modify the rights of
3201	any person to complete any development that has been authorized
3202	as a development of regional impact pursuant to this chapter.
3203	(h) This subsection does not apply to areas:
3204	1. Within the boundary of any area of critical state
3205	concern designated pursuant to s. 380.05;
3206	2. Within the boundary of the Wekiva Study Area as
3207	described in s. 369.316; or
3208	3. Within 2 miles of the boundary of the Everglades
3209	Protection Area as defined in s. 373.4592.
3210	(4) PARTIAL STATUTORY EXEMPTIONS
3211	(a) If the binding agreement referenced under paragraph
3212	(2)(1) for urban service boundaries is not entered into within
3213	12 months after establishment of the urban service area
3214	boundary, the review pursuant to s. 380.06(12) for projects
3215	within the urban service area boundary must address
3216	transportation impacts only.
3217	(b) If the binding agreement referenced under paragraph
3218	(2)(m) for rural land stewardship areas is not entered into
3219	within 12 months after the designation of a rural land
I	111 6 107
	Page 111 of 137

	20-00962-18 20181244
3220	stewardship area, the review pursuant to s. 380.06(12) for
3221	projects within the rural land stewardship area must address
3222	transportation impacts only.
3223	(c) If the binding agreement for designated urban infill
3224	and redevelopment areas is not entered into within 12 months
3225	after the designation of the area or July 1, 2007, whichever
3226	occurs later, the review pursuant to s. 380.06(12) for projects
3227	within the urban infill and redevelopment area must address
3228	transportation impacts only.
3229	(d) A local government that does not wish to enter into a
3230	binding agreement or that is unable to agree on the terms of the
3231	agreement referenced under paragraph (2)(1) or paragraph (2)(m)
3232	must provide written notification to the state land planning
3233	agency of the decision to not enter into a binding agreement or
3234	the failure to enter into a binding agreement within the 12-
3235	month period referenced in paragraphs (a), (b), and (c).
3236	Following the notification of the state land planning agency, a
3237	review pursuant to s. 380.06(12) for projects within an urban
3238	service area boundary under paragraph (2)(1), or a rural land
3239	stewardship area under paragraph (2)(m), must address
3240	transportation impacts only.
3241	(e) The vesting provision of s. 163.3167(5) relating to an
3242	authorized development of regional impact does not apply to
3243	those projects partially exempt from s. 380.06 under paragraphs
3244	(a)-(d) of this subsection.
3245	(4) Two or more developments, represented by their owners
3246	or developers to be separate developments, shall be aggregated
3247	and treated as a single development under this chapter when they
3248	are determined to be part of a unified plan of development and
	Page 112 of 137
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	20-00962-18 20181244			20-00962-18 20181244
3249	are physically proximate to one other.		3278	considered in determining whether to aggregate two or more
3250	(a) The criteria of three of the following subparagraphs		3279	developments:
3250	must be met in order for the state land planning agency to		3280	1. Activities undertaken leading to the adoption or
3252	determine that there is a unified plan of development:		3281	amendment of any comprehensive plan element described in part II
3253	1.a. The same person has retained or shared control of the		3282	of chapter 163.
3254	developments;		3283	2. The sale of unimproved parcels of land, where the seller
3255	b. The same person has ownership or a significant legal or		3284	does not retain significant control of the future development of
3256	equitable interest in the developments; or		3285	the parcels.
3257	c. There is common management of the developments		3286	3. The fact that the same lender has a financial interest,
3258	controlling the form of physical development or disposition of		3287	including one acquired through foreclosure, in two or more
3259	parcels of the development.		3288	parcels, so long as the lender is not an active participant in
3260	2. There is a reasonable closeness in time between the		3289	the planning, management, or development of the parcels in which
3261	completion of 80 percent or less of one development and the		3290	it has an interest.
3262	submission to a governmental agency of a master plan or series		3291	4. Drainage improvements that are not designed to
3263	of plans or drawings for the other development which is		3292	accommodate the types of development listed in the guidelines
3264	indicative of a common development effort.		3293	and standards contained in or adopted pursuant to this chapter
3265	3. A master plan or series of plans or drawings exists		3294	or which are not designed specifically to accommodate the
3266	covering the developments sought to be aggregated which have		3295	developments sought to be aggregated.
3267	been submitted to a local general-purpose government, water		3296	(c) Aggregation is not applicable when the following
3268	management district, the Florida Department of Environmental		3297	circumstances and provisions of this chapter apply:
3269	Protection, or the Division of Florida Condominiums, Timeshares,		3298	1. Developments that are otherwise subject to aggregation
3270	and Mobile Homes for authorization to commence development. The		3299	with a development of regional impact which has received
3271	existence or implementation of a utility's master utility plan		3300	approval through the issuance of a final development order may
3272	required by the Public Service Commission or general-purpose		3301	not be aggregated with the approved development of regional
3273	local government or a master drainage plan shall not be the sole		3302	impact. However, this subparagraph does not preclude the state
3274	determinant of the existence of a master plan.		3303	land planning agency from evaluating an allegedly separate
3275	4. There is a common advertising scheme or promotional plan		3304	development as a substantial deviation pursuant to s. 380.06(19)
3276	in effect for the developments sought to be aggregated.		3305	or as an independent development of regional impact.
3277	(b) The following activities or circumstances shall not be		3306	2. Two or more developments, each of which is independently
	Page 113 of 137			Page 114 of 137
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20-00962-18 20181244	20-00962-18 20181244_
a development of regional impact that has or will obtain a	3336 with two or more developers providing that the joint planning,
development order pursuant to s. 380.06.	3337 sharing, or use of specified public infrastructure, facilities,
3. Completion of any development that has been vested	3338 or services by the developers shall not be considered in any
pursuant to s. 380.05 or s. 380.06, including vested rights	3339 subsequent determination of whether a unified plan of
arising out of agreements entered into with the state land	3340 development exists for their developments. Such binding
planning agency for purposes of resolving vested rights issues.	3341 agreements may authorize the developers to pool impact fees or
Development-of-regional-impact review of additions to vested	3342 impact-fee credits, or to enter into front-end agreements, or
developments of regional impact shall not include review of the	3343 other financing arrangements by which they collectively agree to
impacts resulting from the vested portions of the development.	3344 design, finance, donate, or build such public infrastructure,
4. The developments sought to be aggregated were authorized	3345 facilities, or services. Such agreements shall be conditioned
to commence development before September 1, 1988, and could not	3346 upon a subsequent determination by the appropriate local
have been required to be aggregated under the law existing	3347 government of consistency with the approved local government
before that date.	3348 comprehensive plan and land development regulations.
5. Any development that qualifies for an exemption under s.	3349 Additionally, the developers must demonstrate that the provision
380.06(29).	3350 and sharing of public infrastructure, facilities, or services is
6. Newly acquired lands intended for development in	3351 in the public interest and not merely for the benefit of the
coordination with a developed and existing development of	3352 developments which are the subject of the agreement.
regional impact are not subject to aggregation if the newly	3353 Developments that are the subject of an agreement pursuant to
acquired lands comprise an area that is equal to or less than 10	3354 this paragraph shall be aggregated if the state land planning
percent of the total acreage subject to an existing development-	3355 agency determines that sufficient aggregation factors are
of-regional-impact development order.	3356 present to require aggregation without considering the design
(d) The provisions of this subsection shall be applied	3357 features, financial arrangements, donations, or construction
prospectively from September 1, 1988. Written decisions,	3358 that are specified in and required by the agreement.
agreements, and binding letters of interpretation made or issued	3359 (f) The state land planning agency has authority to adopt
by the state land planning agency prior to July 1, 1988, shall	3360 rules pursuant to ss. 120.536(1) and 120.54 to implement the
not be affected by this subsection.	3361 provisions of this subsection.
(e) In order to encourage developers to design, finance,	3362 Section 4. Section 380.07, Florida Statutes, is amended to
donate, or build infrastructure, public facilities, or services,	3363 read:
the state land planning agency may enter into binding agreements	3364 380.07 Florida Land and Water Adjudicatory Commission
Page 115 of 137	Page 116 of 137
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	20-00962-18 20181244		20-00962-18
3365	(1) There is hereby created the Florida Land and Water	3394	of a development of
3366	Adjudicatory Commission, which shall consist of the	3395	the state land plan
3367	Administration Commission. The commission may adopt rules	3396	consistency of the
3368	necessary to ensure compliance with the area of critical state	3397	comprehensive plan
3369	concern program and the requirements for developments of	3398	a development of re
3370	regional impact as set forth in this chapter.	3399	proceeding under s
3371	(2) Whenever any local government issues any development	3400	serves notice to the
3372	order in any area of critical state concern, or in regard to \underline{the}	3401	proceeding under s
3373	abandonment of any approved development of regional impact,	3402	shall:
3374	copies of such orders as prescribed by rule by the state land	3403	(a) Raise its
3375	planning agency shall be transmitted to the state land planning	3404	party in the pendi
3376	agency, the regional planning agency, and the owner or developer	3405	after service of the
3377	of the property affected by such order. The state land planning	3406	(b) Dismiss t
3378	agency shall adopt rules describing development order rendition	3407	order appeal.
3379	and effectiveness in designated areas of critical state concern.	3408	(4) The appel
3380	Within 45 days after the order is rendered, the owner, the	3409	the opposing party
3381	developer, or the state land planning agency may appeal the	3410	government that is
3382	order to the Florida Land and Water Adjudicatory Commission by	3411	stays the effective
3383	filing a petition alleging that the development order is not	3412	of the appeal proc
3384	consistent with the provisions of this part. The appropriate	3413	(5) The 45-da
3385	regional planning agency by vote at a regularly scheduled	3414	impact within the
3386	meeting may recommend that the state land planning agency	3415	shall not commence
3387	undertake an appeal of a development-of-regional-impact	3416	jurisdiction over
3388	development order. Upon the request of an appropriate regional	3417	have rendered thei:
3389	planning council, affected local government, or any citizen, the	3418	furnish a copy of
3390	state land planning agency shall consider whether to appeal the	3419	the case may be, an
3391	order and shall respond to the request within the 45 day appeal	3420	the order. The fil:
3392	period.	3421	the effectiveness of
3393	(3) Notwithstanding any other provision of law, an appeal	3422	appeal process.
	Page 117 of 137		

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	20-00962-18 20181244_
3394	of a development order <u>in an area of critical state concern</u> by
3395	the state land planning agency under this section may include
3396	consistency of the development order with the local
3397	comprehensive plan. However, if a development order relating to
3398	a development of regional impact has been challenged in a
3399	proceeding under s. 163.3215 and a party to the proceeding
3400	serves notice to the state land planning agency of the pending
3401	proceeding under s. 163.3215, the state land planning agency
3402	shall:
3403	(a) Raise its consistency issues by intervening as a full
3404	party in the pending proceeding under s. 163.3215 within 30 days
3405	after service of the notice; and
3406	(b) Dismiss the consistency issues from the development
3407	order appeal.
3408	(4) The appellant shall furnish a copy of the petition to
3409	the opposing party, as the case may be, and to the local
3410	government that issued the order. The filing of the petition
3411	stays the effectiveness of the order until after the completion
3412	of the appeal process.
3413	(5) The 45-day appeal period for a development of regional
3414	impact within the jurisdiction of more than one local government
3415	shall not commence until after all the local governments having
3416	jurisdiction over the proposed development of regional impact
3417	have rendered their development orders. The appellant shall
3418	furnish a copy of the notice of appeal to the opposing party, as
3419	the case may be, and to the local government $\underline{\text{that}}$ which issued
3420	the order. The filing of the notice of appeal $\underline{stays} \ \underline{shall} \ \underline{stay}$
3421	the effectiveness of the order until after the completion of the

Page 118 of 137

20-00962-18 20181244 3423 (5) (6) Before Prior to issuing an order, the Florida Land 3452 3424 and Water Adjudicatory Commission shall hold a hearing pursuant 3453 3425 to the provisions of chapter 120. The commission shall encourage 3454 3426 the submission of appeals on the record made pursuant to 3455 3427 subsection (7) below in cases in which the development order was 3456 3428 issued after a full and complete hearing before the local 3457 3429 government or an agency thereof. 3458 3430 (6) (7) The Florida Land and Water Adjudicatory Commission 3459 3431 shall issue a decision granting or denying permission to develop 3460 3432 pursuant to the standards of this chapter and may attach 3461 3433 conditions and restrictions to its decisions. 3462 3434 (7) (8) If an appeal is filed with respect to any issues 3463 3435 within the scope of a permitting program authorized by chapter 3464 3465 3436 161, chapter 373, or chapter 403 and for which a permit or 3437 conceptual review approval has been obtained before prior to the 3466 3438 issuance of a development order, any such issue shall be 3467 3439 specifically identified in the notice of appeal which is filed 3468 3440 pursuant to this section, together with other issues that which 3469 3441 constitute grounds for the appeal. The appeal may proceed with 3470 3442 respect to issues within the scope of permitting programs for 3471 3443 which a permit or conceptual review approval has been obtained 3472 3444 before prior to the issuance of a development order only after 3473 3445 the commission determines by majority vote at a regularly 3474 3446 scheduled commission meeting that statewide or regional 3475 3447 interests may be adversely affected by the development. In 3476 3448 making this determination, there is shall be a rebuttable 3477 3449 presumption that statewide and regional interests relating to 3478 3450 issues within the scope of the permitting programs for which a 3479 3451 3480 permit or conceptual approval has been obtained are not Page 119 of 137 CODING: Words stricken are deletions; words underlined are additions.

20-00962-18 20181244 adversely affected. Section 5. 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 developmentof-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 quidelines 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

Page 120 of 137

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-00962-18 20181244
vernment issuing the development order must monitor the
velopment and enforce the development order. Local governments
y not issue any permits or approvals or provide any extensions
services if the developer fails to act in substantial
mpliance with the development order. The development-of-
gional-impact development order may be enforced by the local
vernment as provided in <u>s. 380.11</u> ss. <u>380.06(17)</u> and <u>380.11</u> .
(2) (b) If requested by the developer or landowner, the
velopment-of-regional-impact development order shall be
scinded by the local government having jurisdiction upon a
owing that all required mitigation related to the amount of
velopment that existed on the date of rescission has been
mpleted or will be completed under an existing permit or
uivalent authorization issued by a governmental agency as
fined in s. 380.031(6), if such permit or authorization is
oject to enforcement through administrative or judicial
medies.
(2) A development with an application for development
proval pending, pursuant to s. 380.06, on the effective date
a change to the guidelines and standards, or a notification
proposed change pending on the effective date of a change to
e guidelines and standards, may elect to continue such review
rsuant to s. 380.06. At the conclusion of the pending review,
cluding any appeals pursuant to s. 380.07, the resulting
velopment order shall be governed by the provisions of
osection (1).
(3) A landowner that has filed an application for a
velopment-of-regional-impact review prior to the adoption of a
ctor plan pursuant to s. 163.3245 may elect to have the
Page 121 of 137
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	20-00962-18 2018
3568	approval pursuant to <u>s. 380.06</u> s. 380.06(21) for the entire
3569	planning area shall remain subject to the master development
3570	order in order to establish a buildout date until which the
3571	approved uses and densities and intensities of use of the m
3572	plan are not subject to downzoning, unit density reduction,
3573	intensity reduction, unless the developer elects to rescind
3574	development order pursuant to s. 380.115, the development o
3575	is abandoned pursuant to s. 380.06(11), or the local govern
3576	can demonstrate that implementation of the master plan is n
3577	continuing in good faith based on standards established by
3578	policy, that substantial changes in the conditions underlyi
3579	the approval of the master plan have occurred, that the mas
3580	plan was based on substantially inaccurate information prov
3581	by the applicant, or that change is clearly established to
3582	essential to the public health, safety, or welfare. Review
3583	the application for master development approval shall be at
3584	level of detail appropriate for the long-term and conceptua
3585	nature of the long-term master plan and, to the maximum ext
3586	possible, may only consider information provided in the
3587	application for a long-term master plan. Notwithstanding s.
3588	380.06, an increment of development in such an approved mas
3589	development plan must be approved by a detailed specific ar
3590	plan pursuant to paragraph (3)(b) and is exempt from review
3591	pursuant to s. 380.06.
3592	(12) Notwithstanding s. 380.06, this part, or any plan
3593	agreement or plan policy, a landowner or developer who has
3594	received approval of a master development-of-regional-impac
3595	development order pursuant to <u>s. 380.06(9)</u> s. 380.06(21) ma
3596	apply to implement this order by filing one or more applica
	Page 124 of 137
	Fage 124 OI 157

20-00962-18 20181244 3539 owner or developer of the property affected by such order, as 3540 prescribed by rules of the state land planning agency for a 3541 development order for a development of regional impact. Within 3542 45 days after the order is rendered, the owner, the developer, 3543 or the state land planning agency may appeal the order to the 3544 Florida Land and Water Adjudicatory Commission by filing a 3545 petition alleging that the detailed specific area plan is not 3546 consistent with the comprehensive plan or with the long-term 3547 master plan adopted pursuant to this section. The appellant 3548 shall furnish a copy of the petition to the opposing party, as 3549 the case may be, and to the local government that issued the 3550 order. The filing of the petition stays the effectiveness of the 3551 order until after completion of the appeal process. However, if 3552 a development order approving a detailed specific area plan has 3553 been challenged by an aggrieved or adversely affected party in a 3554 judicial proceeding pursuant to s. 163.3215, and a party to such 3555 proceeding serves notice to the state land planning agency, the 3556 state land planning agency shall dismiss its appeal to the 3557 commission and shall have the right to intervene in the pending 3558 judicial proceeding pursuant to s. 163.3215. Proceedings for 3559 administrative review of an order approving a detailed specific 3560 area plan shall be conducted consistent with s. 380.07(5) s. 3561 380.07(6). The commission shall issue a decision granting or 3562 denying permission to develop pursuant to the long-term master 3563 plan and the standards of this part and may attach conditions or 3564 restrictions to its decisions. 3565 (6) An applicant who applied Concurrent with or subsequent 3566 to review and adoption of a long-term master plan pursuant to

paragraph (3) (a), an applicant may apply for master development 3567

Page 123 of 137

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20-00962-18 20181244 3597 to approve a detailed specific area plan pursuant to paragraph 3598 (3)(b). 3599 Section 8. Subsections (11) through (14) of section 3600 163.3246, Florida Statutes, are amended to read: 3601 163.3246 Local government comprehensive planning 3602 certification program.-3603 (11) If the local government of an area described in 3604 subsection (10) does not request that the state land planning 3605 agency review the developments of regional impact that are 3606 proposed within the certified area, an application for approval 3607 of a development order within the certified area shall be exempt from review under s. 380.06. 3608 3609 (11) (12) A local government's certification shall be 3610 reviewed by the local government and the state land planning 3611 agency as part of the evaluation and appraisal process pursuant 3612 to s. 163.3191. Within 1 year after the deadline for the local 3613 government to update its comprehensive plan based on the 3614 evaluation and appraisal, the state land planning agency must 3615 shall renew or revoke the certification. The local government's 3616 failure to timely adopt necessary amendments to update its 3617 comprehensive plan based on an evaluation and appraisal, which 3618 are found to be in compliance by the state land planning agency, 3619 is shall be cause for revoking the certification agreement. The 3620 state land planning agency's decision to renew or revoke is 3621 shall be considered agency action subject to challenge under s. 3622 120.569. 3623 (12) (13) The state land planning agency shall, by July 1 of 3624 each odd-numbered year, submit to the Governor, the President of 3625 the Senate, and the Speaker of the House of Representatives a Page 125 of 137

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20-00962-18 20181244 3626 report listing certified local governments, evaluating the 3627 effectiveness of the certification, and including any 3628 recommendations for legislative actions. 3629 (13) (14) It is the intent of the Legislature to encourage the creation of connected-city corridors that facilitate the 3630 3631 growth of high-technology industry and innovation through 3632 partnerships that support research, marketing, workforce, and entrepreneurship. It is the further intent of the Legislature to 3633 3634 provide for a locally controlled, comprehensive plan amendment 3635 process for such projects that are designed to achieve a 3636 cleaner, healthier environment; limit urban sprawl by promoting diverse but interconnected communities; provide a range of 3637 3638 intergenerational housing types; protect wildlife and natural 3639 areas; assure the efficient use of land and other resources; 3640 create guality communities of a design that promotes alternative 3641 transportation networks and travel by multiple transportation modes; and enhance the prospects for the creation of jobs. The 3642 3643 Legislature finds and declares that this state's connected-city 3644 corridors require a reduced level of state and regional 3645 oversight because of their high degree of urbanization and the 3646 planning capabilities and resources of the local government. 3647 (a) Notwithstanding subsections (2), (4), (5), (6), and 3648 (7), Pasco County is named a pilot community and shall be 3649 considered certified for a period of 10 years for connected-city 3650 corridor plan amendments. The state land planning agency shall 3651 provide a written notice of certification to Pasco County by 3652 July 15, 2015, which shall be considered a final agency action

- 3653 subject to challenge under s. 120.569. The notice of
- 3654 certification must include:

Page 126 of 137

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SB 1244

20-00962-18 20181244 20-00962-18 20181244 1. The boundary of the connected-city corridor 3684 planning agency review the developments of regional impact that certification area; and 3685 are proposed within the certified area, an application for 2. A requirement that Pasco County submit an annual or 3686 approval of a development order within the certified area is biennial monitoring report to the state land planning agency 3687 exempt from review under s. 380.06. according to the schedule provided in the written notice. The 3688 (e) The Office of Program Policy Analysis and Government monitoring report must, at a minimum, include the number of 3689 Accountability (OPPAGA) shall submit to the Governor, the amendments to the comprehensive plan adopted by Pasco County, 3690 President of the Senate, and the Speaker of the House of the number of plan amendments challenged by an affected person, 3691 Representatives by December 1, 2024, a report and 3692 and the disposition of such challenges. recommendations for implementing a statewide program that (b) A plan amendment adopted under this subsection may be 3693 addresses the legislative findings in this subsection. In based upon a planning period longer than the generally 3694 consultation with the state land planning agency, OPPAGA shall applicable planning period of the Pasco County local develop the report and recommendations with input from other 3695 comprehensive plan, must specify the projected population within 3696 state and regional agencies, local governments, and interest the planning area during the chosen planning period, may include 3697 groups. OPPAGA shall also solicit citizen input in the a phasing or staging schedule that allocates a portion of Pasco 3698 potentially affected areas and consult with the affected local County's future growth to the planning area through the planning 3699 government and stakeholder groups. Additionally, OPPAGA shall period, and may designate a priority zone or subarea within the 3700 review local and state actions and correspondence relating to connected-city corridor for initial implementation of the plan. 3701 the pilot program to identify issues of process and substance in A plan amendment adopted under this subsection is not required 3702 recommending changes to the pilot program. At a minimum, the to demonstrate need based upon projected population growth or on 3703 report and recommendations must include: 3704 1. Identification of local governments other than the local any other basis. (c) If Pasco County adopts a long-term transportation 3705 government participating in the pilot program which should be network plan and financial feasibility plan, and subject to 3706 certified. The report may also recommend that a local government compliance with the requirements of such a plan, the projects 3707 is no longer appropriate for certification; and 3708 within the connected-city corridor are deemed to have satisfied 2. Changes to the certification pilot program. 3709 all concurrency and other state agency or local government Section 9. Subsection (4) of section 189.08, Florida transportation mitigation requirements except for site-specific 3710 Statutes, is amended to read: access management requirements. 3711 189.08 Special district public facilities report.-(d) If Pasco County does not request that the state land 3712 (4) Those special districts building, improving, or Page 127 of 137 Page 128 of 137 CODING: Words stricken are deletions; words underlined are additions. CODING: Words stricken are deletions; words underlined are additions.

	20-00962-18 20181244				20-00962-18 20181244
13	expanding public facilities addressed by a development order		37	42	(d) The county commission may shall not adopt any ordinance
14	issued to the developer pursuant to s. 380.06 may use the most		37	43	which would expand, modify, or delete any provision of the
15	recent local government annual report required by s. 380.06(6)		37	44	uniform community development district charter as set forth in
16	s. 380.06(15) and (18) and submitted by the developer, to the		37	45	ss. 190.006-190.041. An ordinance establishing a community
17	extent the annual report provides the information required by		37	46	development district shall only include the matters provided for
18	subsection (2).		37	47	in paragraph (1)(f) unless the commission consents to any of the
19	Section 10. Subsection (2) of section 190.005, Florida		37	48	optional powers under s. 190.012(2) at the request of the
20	Statutes, is amended to read:		37	49	petitioner.
21	190.005 Establishment of district		37	50	(e) If all of the land in the area for the proposed
22	(2) The exclusive and uniform method for the establishment		37	51	district is within the territorial jurisdiction of a municipal
23	of a community development district of less than 2,500 acres in		37	52	corporation, then the petition requesting establishment of a
24	size or a community development district of up to 7,000 acres in		37	53	community development district under this act shall be filed by
25	size located within a connected-city corridor established		37	54	the petitioner with that particular municipal corporation. In
26	pursuant to <u>s. 163.3246(13)</u> s. 163.3246(14) shall be pursuant to		37	55	such event, the duties of the county, hereinabove described, in
27	an ordinance adopted by the county commission of the county		37	56	action upon the petition shall be the duties of the municipal
28	having jurisdiction over the majority of land in the area in		37	57	corporation. If any of the land area of a proposed district is
29	which the district is to be located granting a petition for the		37	58	within the land area of a municipality, the county commission
30	establishment of a community development district as follows:		37	59	may not create the district without municipal approval. If all
31	(a) A petition for the establishment of a community		37	60	of the land in the area for the proposed district, even if less
32	development district shall be filed by the petitioner with the		37	61	than 2,500 acres, is within the territorial jurisdiction of two
33	county commission. The petition shall contain the same		37	62	or more municipalities or two or more counties, except for
34	information as required in paragraph (1)(a).		37	63	proposed districts within a connected-city corridor established
35	(b) A public hearing on the petition shall be conducted by		37	64	pursuant to <u>s. 163.3246(13)</u> s. 163.3246(14), the petition shall
36	the county commission in accordance with the requirements and		37	65	be filed with the Florida Land and Water Adjudicatory Commission
37	procedures of paragraph (1)(d).		37	66	and proceed in accordance with subsection (1).
38	(c) The county commission shall consider the record of the		37	67	(f) Notwithstanding any other provision of this subsection,
39	public hearing and the factors set forth in paragraph (1)(e) in		37	68	within 90 days after a petition for the establishment of a
40	making its determination to grant or deny a petition for the			69	community development district has been filed pursuant to this
41	establishment of a community development district.		37	70	subsection, the governing body of the county or municipal
	Page 129 of 137				Page 130 of 137
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SB 1244

20-00962-18 20181244 20-00962-18 20181244 corporation may transfer the petition to the Florida Land and 3800 Section 12. Paragraph (a) of subsection (1) of section Water Adjudicatory Commission, which shall make the 3801 252.363, Florida Statutes, is amended to read: determination to grant or deny the petition as provided in 3802 252.363 Tolling and extension of permits and other subsection (1). A county or municipal corporation shall have no 3803 authorizations.right or power to grant or deny a petition that has been 3804 (1) (a) The declaration of a state of emergency by the transferred to the Florida Land and Water Adjudicatory 3805 Governor tolls the period remaining to exercise the rights under Commission. 3806 a permit or other authorization for the duration of the Section 11. Paragraph (g) of subsection (1) of section 3807 emergency declaration. Further, the emergency declaration 190.012, Florida Statutes, is amended to read: 3808 extends the period remaining to exercise the rights under a 190.012 Special powers; public improvements and community 3809 permit or other authorization for 6 months in addition to the facilities.-The district shall have, and the board may exercise, 3810 tolled period. This paragraph applies to the following: subject to the regulatory jurisdiction and permitting authority 1. The expiration of a development order issued by a local 3811 of all applicable governmental bodies, agencies, and special government. 3812 districts having authority with respect to any area included 3813 2. The expiration of a building permit. therein, any or all of the following special powers relating to 3814 3. The expiration of a permit issued by the Department of public improvements and community facilities authorized by this 3815 Environmental Protection or a water management district pursuant 3816 to part IV of chapter 373. act: (1) To finance, fund, plan, establish, acquire, construct 3817 4. The buildout date of a development of regional impact, or reconstruct, enlarge or extend, equip, operate, and maintain 3818 including any extension of a buildout date that was previously systems, facilities, and basic infrastructures for the 3819 granted as specified in s. 380.06(7)(c) pursuant to s. following: 3820 380.06(19)(c). (g) Any other project within or without the boundaries of a 3821 Section 13. Subsection (4) of section 369.303, Florida district when a local government issued a development order 3822 Statutes, is amended to read: pursuant to s. 380.06 or s. 380.061 approving or expressly 3823 369.303 Definitions.-As used in this part: 3824 (4) "Development of regional impact" means a development requiring the construction or funding of the project by the that which is subject to the review procedures established by s. district, or when the project is the subject of an agreement 3825 between the district and a governmental entity and is consistent 3826 380.06 or s. 380.065, and s. 380.07. with the local government comprehensive plan of the local 3827 Section 14. Subsection (1) of section 369.307, Florida government within which the project is to be located. Statutes, is amended to read: 3828 Page 131 of 137 Page 132 of 137 CODING: Words stricken are deletions; words underlined are additions. CODING: Words stricken are deletions; words underlined are additions.

	20-00962-18 20181244			20-00962-18 20181244
29	369.307 Developments of regional impact in the Wekiva River		3858	under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
30	Protection Area; land acquisition		3859	as amended, or pursuant to rules adopted thereunder, or by a
31	(1) Notwithstanding s. 380.06(4) the provisions of s.		3860	water management district under s. 373.421, in response to a
32	380.06(15), the counties shall consider and issue the		3861	petition filed on or before June 1, 1994, shall continue to be
33	development permits applicable to a proposed development of		3862	valid for the duration of such declaratory statement. Any such
34	regional impact which is located partially or wholly within the		3863	petition pending on June 1, 1994, shall be exempt from the
35	Wekiva River Protection Area at the same time as the development		3864	methodology ratified in s. 373.4211, but the rules of the
36	order approving, approving with conditions, or denying a		3865	department or the relevant water management district, as
37	development of regional impact.		3866	applicable, in effect prior to the effective date of s.
38	Section 15. Subsection (8) of section 373.236, Florida		3867	373.4211, shall apply. Until May 1, 1998, activities within the
39	Statutes, is amended to read:		3868	boundaries of an area subject to a petition pending on June 1,
10	373.236 Duration of permits; compliance reports		3869	1994, and prior to final agency action on such petition, shall
11	(8) A water management district may issue a permit to an		3870	be reviewed under the rules adopted pursuant to ss. 403.91-
12	applicant, as set forth in s. 163.3245(13), for the same period		3871	403.929, 1984 Supplement to the Florida Statutes 1983, as
13	of time as the applicant's approved master development order if		3872	amended, and this part, in existence prior to the effective date
14	the master development order was issued under <u>s. 380.06(9)</u> s.		3873	of the rules adopted under subsection (9), unless the applicant
15	$\frac{380.06(21)}{2}$ by a county which, at the time the order was issued,		3874	elects to have such activities reviewed under the rules adopted
16	was designated as a rural area of opportunity under s. 288.0656,		3875	under this part, as amended in accordance with subsection (9).
17	was not located in an area encompassed by a regional water		3876	In the event that a jurisdictional declaratory statement
18	supply plan as set forth in s. 373.709(1), and was not located		3877	pursuant to the vegetative index in effect prior to the
19	within the basin management action plan of a first magnitude		3878	effective date of chapter 84-79, Laws of Florida, has been
50	spring. In reviewing the permit application and determining the		3879	obtained and is valid prior to the effective date of the rules
51	permit duration, the water management district shall apply s.		3880	adopted under subsection (9) or July 1, 1994, whichever is
52	163.3245(4)(b).		3881	later, and the affected lands are part of a project for which a
53	Section 16. Subsection (13) of section 373.414, Florida		3882	master development order has been issued pursuant to $\underline{s.}$
54	Statutes, is amended to read:		3883	$\underline{380.06(9)}$ s. $\underline{380.06(21)}$, the declaratory statement shall remain
55	373.414 Additional criteria for activities in surface		3884	valid for the duration of the buildout period of the project.
56	waters and wetlands		3885	Any jurisdictional determination validated by the department
57	(13) Any declaratory statement issued by the department		3886	pursuant to rule 17-301.400(8), Florida Administrative Code, as
•	Page 133 of 137			Page 134 of 137
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20-00962-18

20181244

SB 1244

20-00962-18 20181244 3916 378.601 Heavy minerals.-3917 (5) Any heavy mineral mining operation which annually mines 3918 less than 500 acres and whose proposed consumption of water is 3 3919 million gallons per day or less may shall not be subject 3920 required to undergo development of regional impact review 3921 pursuant to s. 380.06, provided permits and plan approvals 3922 pursuant to either this section and part IV of chapter 373, or 3923 s. 378.901, are issued. 3924 Section 18. Section 380.065, Florida Statutes, is repealed. 3925 Section 19. Paragraph (a) of subsection (2) of section 3926 380.11, Florida Statutes, is amended to read: 3927 380.11 Enforcement; procedures; remedies .-(2) ADMINISTRATIVE REMEDIES.-3928 3929 (a) If the state land planning agency has reason to believe 3930 a violation of this part or any rule, development order, or 3931 other order issued hereunder or of any agreement entered into 3932 under s. 380.032(3) or s. 380.06(8) has occurred or is about to 3933 occur, it may institute an administrative proceeding pursuant to 3934 this section to prevent, abate, or control the conditions or 3935 activity creating the violation. 3936 Section 20. Paragraph (b) of subsection (2) of section 3937 403.524, Florida Statutes, is amended to read: 3938 403.524 Applicability; certification; exemptions.-3939 (2) Except as provided in subsection (1), construction of a 3940 transmission line may not be undertaken without first obtaining 3941 certification under this act, but this act does not apply to: 3942 (b) Transmission lines that have been exempted by a binding 3943 letter of interpretation issued under s. 380.06(3) s. 380.06(4), or in which the Department of Economic Opportunity or its 3944 Page 136 of 137 CODING: Words stricken are deletions; words underlined are additions.

3887 it existed in rule 17-4.022, Florida Administrative Code, on 3888 April 1, 1985, shall remain in effect for a period of 5 years 3889 following the effective date of this act if proof of such 3890 validation is submitted to the department prior to January 1, 3891 1995. In the event that a jurisdictional determination has been 3892 revalidated by the department pursuant to this subsection and 3893 the affected lands are part of a project for which a development 3894 order has been issued pursuant to s. 380.06(4) s. 380.06(15), a 3895 final development order to which s. 163.3167(5) applies has been 3896 issued, or a vested rights determination has been issued 3897 pursuant to s. 380.06(8) s. 380.06(20), the jurisdictional 3898 determination shall remain valid until the completion of the 3899 project, provided proof of such validation and documentation 3900 establishing that the project meets the requirements of this 3901 sentence are submitted to the department prior to January 1. 3902 1995. Activities proposed within the boundaries of a valid 3903 declaratory statement issued pursuant to a petition submitted to 3904 either the department or the relevant water management district 3905 on or before June 1, 1994, or a revalidated jurisdictional 3906 determination, prior to its expiration shall continue thereafter 3907 to be exempt from the methodology ratified in s. 373.4211 and to 3908 be reviewed under the rules adopted pursuant to ss. 403.91-3909 403.929, 1984 Supplement to the Florida Statutes 1983, as 3910 amended, and this part, in existence prior to the effective date 3911 of the rules adopted under subsection (9), unless the applicant 3912 elects to have such activities reviewed under the rules adopted 3913 under this part, as amended in accordance with subsection (9). 3914 Section 17. Subsection (5) of section 378.601, Florida 3915 Statutes, is amended to read: Page 135 of 137 CODING: Words stricken are deletions; words underlined are additions.

	20-00962-18 20181244
3945	 predecessor agency has determined the utility to have vested
3946	development rights within the meaning of s. 380.05(18) or s.
3947	380.06(8) s. 380.06(20) .
3948	Section 21. (1) The rules adopted by the state land
3949	planning agency to ensure uniform review of developments of
3950	regional impact by the state land planning agency and regional
3951	planning agencies and codified in chapter 73C-40, Florida
3952	Administrative Code, are repealed.
3953	(2) The rules adopted by the Administration Commission, as
3954	defined in s. 380.031, Florida Statutes, regarding whether two
3955	or more developments, represented by their owners or developers
3956	to be separate developments, shall be aggregated and treated as
3957	a single development under chapter 380, Florida Statutes, are
3958	repealed.
3959	Section 22. The Division of Law Revision and Information is
3960	directed to replace the phrase "the effective date of this act"
3961	where it occurs in this act with the date this act takes effect.
3962	Section 23. This act shall take effect upon becoming a law.
	Page 137 of 137
	CODING: Words stricken are deletions; words underlined are additions.

	Prepared	By: The I	Professional Staff	of the Committee	on Community Affairs
BILL:	SB 1632				
INTRODUCER:	Senator Ma	yfield			
SUBJECT:	Towing and	Immob	ilization Fees a	nd Charges	
DATE:	January 22,	2018	REVISED:		
ANAL	YST	STAF	FDIRECTOR	REFERENCE	ACTION
l. Cochran		Yeatn	nan	CA	Pre-meeting
2				TR	
3.				RC	

I. Summary:

County and municipal governments may contract with wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites within their jurisdiction. Counties and municipalities may establish a wrecker operator system to apportion towing services across multiple wrecker operators.

Counties and municipalities are authorized to establish maximum rates for the towing and storage of vehicles pursuant to an ordinance or rule adopted pursuant to s. 125.0103, F.S., or s. 166.043, F.S. Some municipalities impose an administrative fee on vehicles towed by an authorized wrecker operator if the vehicle is seized or towed in connection with certain misdemeanors or felonies. The administrative fee is collected by the towing company on behalf of the municipal government and, in addition to towing and storage fees, must be paid before the vehicle is released to the registered owner or lienholder.

SB 1632 requires a county or municipality to establish maximum rates for the towing and storage of vessels, as well placing a cap on the maximum rate for immobilizing a vehicle or vessel. The bill prohibits a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The bill does not impact the ability of a county or municipality to impose a reasonable administrative fee on the legal owner, legally authorized user, or lienholder of a vehicle or vessel to cover the cost of enforcement actions. The bill provides that an authorized wrecker operator may impose and collect the administrative fee and is only required to remit the fee to the county or municipality after it has been collected.

The bill prohibits counties and municipalities from adopting or enforcing ordinances or rules that impose additional fees on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator. The bill provides that a wrecker operator who recovers, removes, or stores a vehicle or vessel shall have a lien on the vehicle or vessel that includes the value of the reasonable administrative fee or charge imposed by a county or municipality.

II. Present Situation:

County and Municipal Wrecker Operator Systems

A county or municipal government may contract with one or more wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites.¹ After the establishment of such contract(s), the county or municipality must create a "wrecker operator system" to apportion towing assignments between the contracted wrecker services. This apportionment may occur though the creation of geographic zones, a rotation schedule, or a combination of those methods.² Any wrecker operator that is included in the wrecker operator system is an "authorized wrecker operator" in the jurisdiction, while any wrecker operation not included is an "unauthorized wrecker operator." ³

Unauthorized wrecker operators are not permitted to initiate contact with the owner or operator of a wrecked or disabled vehicle.⁴ If the owner or operator initiates contact, the unauthorized wrecker operator must disclose in writing, before the vehicle is connected to the towing apparatus:

- His or her full name;
- Driver license number;
- That he or she is not a member of the wrecker operator system;
- That the vehicle is not being towed for the owner's or operator's insurance company or lienholder;
- Whether he or she has an insurance policy providing \$300,000 in liability coverage and \$50,000 in on-hook cargo coverage; and
- The maximum charges for towing and storage.⁵

The unauthorized wrecker operator must disclose this information to the owner or operator in the presence of a law enforcement officer if an officer is present at the scene of the accident.⁶ It is a second degree misdemeanor for an unauthorized wrecker operator to initiate contact or to fail to provide required information after contact has been initiated.⁷ An unauthorized wrecker operator misrepresenting his or her status as an authorized wrecker operator commits a first degree misdemeanor.⁸ In either instance, the unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during the offense may be immediately removed and impounded.⁹

- ⁶ Id.
- 7 Id.

¹ Section 323.002(1)(c), F.S. Section 323.002(1)(c), F.S. The definition of "vehicle" does not include a vessel or trailer intended for the transport on land of a vessel. *See* s. 320.01, F.S. (defining "motor vehicle" for the purpose of issuance of motor vehicle licenses and separately defining a "marine boat trailer dealer" as a person engaged in "business of buying ... trailers specifically designed to be drawn by another vehicle and used for the transportation on land of vessels.") ² *Id*.

³ Section 323.002(1)(a)-(b), F.S.

⁴ Section 323.002(2)(b), F.S.

⁵ Section 323.002(2)(c), F.S.

⁸ Section 323.002(2)(d), F.S.

⁹ Section 323.002(2)(c) and (d), F.S.

Unauthorized wrecker operators also are prohibited from monitoring police radios to determine the location of wrecked or disabled vehicles.¹⁰

Counties must establish maximum rates for the towing of vehicles removed from private property, as well as the towing and storage of vehicles removed from the scene of an accident or where the vehicle is towed at the request of a law enforcement officer. Municipalities are also authorized to adopt maximum rate ordinances. If a municipality enacts an ordinance to establish towing fees, the county ordinance will not apply within the municipality.¹¹ A county or municipality may not establish rates, including a maximum rate, for the towing of vessels.¹²

Vehicle Holds, Wrecker Operator Storage Facilities, and Liens

An investigating agency may place a hold on a motor vehicle stored within a wrecker operator's storage facility for up to five business days.¹³ A hold may be applied where the officer has probable cause to believe the vehicle:

- Should be seized under the Florida Contraband Forfeiture Act or Ch. 379, F.S.;
- Was used as the means of committing a crime;
- Is evidence that tends to show a crime has been committed; or
- Was involved in a traffic accident resulting in death or personal injury.¹⁴

An officer may also apply a hold when the vehicle is impounded pursuant to ss. 316.193 or 322.34, F.S., and when the officer is complying with a court order.¹⁵ The hold must be in writing and include the name and agency of the law enforcement officer placing the hold, the date and time the hold is placed on the vehicle, a general description of the vehicle, the specific reason for the hold, the condition of the vehicle, the location where the vehicle is being held, and the name and contact information for the wrecker operator and storage facility.¹⁶

The investigating agency must inform the wrecker operator within the five day holding period if the agency intends to hold the vehicle for a longer period of time.¹⁷ The vehicle owner is liable for towing and storage charges for the first five days. If the vehicle will be held beyond five days, the investigating agency may choose to have the vehicle stored at a designated impound lot or to pay for storage at the wrecker operator's storage facility.¹⁸

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel possesses a lien on the vehicle or vessel for a reasonable towing fee and storage fee, if the vehicle or vessel is removed upon instructions from:

¹⁰ Section 323.002(2)(a), F.S.

¹¹ Sections 125.0103(1)(c) and 166.043(1)(c), F.S.

¹² *Compare* 125.0103(c), F.S. (requiring a county to establish maximum rates for towing of vehicles) *with* s. 715.07, F.S. (towing of vehicles or vessels parked on private property).

¹³ Section 323.001(1), F.S.

¹⁴ Section 323.001(4)(a)-(e), F.S.

¹⁵ Section 323.001(4)(f)-(g), F.S.

¹⁶ Section 323.001(5), F.S.

¹⁷ Section 323.001(2), F.S.

¹⁸ Section 323.001(2)(a)-(b), F.S.

- The owner of the vehicle or vessel,
- The owner, lessor, or authorized person acting on behalf of the owner/lessor of property on which the vehicle or vessel is wrongly parked (as long as the removal is performed pursuant to s. 715.07, F.S.),
- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy and the removal is performed pursuant to s. 83.806, F.S., or s. 715.104, F.S.), or
- Any law enforcement agency.¹⁹

Authority for Local Governments to Charge Fees

Counties and municipalities do not have authority to levy taxes, other than ad valorem taxes, except as provided by general law.²⁰ However, local governments possess the authority to impose user fees or assessments by local ordinance as such authority is within the constitutional and statutory home rule powers of local governments.²¹ The key distinction between a tax and a fee is that fees are voluntary and benefit particular individuals in a manner not shared by others in the public.²² On the other hand, a tax is a "forced charge or imposition, operating whether we like it or not and in no sense depends on the will or contract of the one on whom it is imposed."²³ Usually a fee is applied for the use of a service and is tied directly to the cost of maintaining the service. Money collected from a fee is not applied to uses other than to provide the service for which the fee is applied. An administrative fee for towing and storage services may be permissible to the extent the fee provides a specific benefit to vehicle owners.²⁴

Administrative Fees Related to Towing and Storage

Some municipalities charge administrative fees when a vehicle is towed in connection with certain misdemeanors or felonies.

The City of Sarasota seizes the vehicle of those arrested for crimes related to drugs or prostitution.²⁵ The registered owner of the vehicle is then given two options:

- The registered owner may request a hearing where the city must show by a preponderance of the evidence that the vehicle was used to facilitate the commission of an act of prostitution or any violation of ch. 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act. The owner may post a bond equal to the civil penalty (\$500), hearing costs (\$50), and towing and storage fees (\$125 plus \$25 per day) to receive the vehicle back pending the outcome of the hearing, or the owner may leave the vehicle in impound, incurring additional fees.
- The registered owner may waive the right to a hearing and pay the civil penalty (\$500).

¹⁹ Section 713.78(2), F.S

²⁰ Art. VII, s. 1(a), Fla. Const.

²¹ City of Boca Raton v. State, 595 So. 2d 25, 30 (Fla. 1992).

²² City of Miami v. Quik Cash Jewelry & Pawn, Inc., 811 So.2d 756, 758 (Fla. 3rd DCA 2002).

²³ *Id.* at 758-59.

²⁴ See Jasinski v. City of Miami, 269 F. Supp. 2d 1341, 1348 (S.D. Fla. 2003).

²⁵ Sarasota Police Department, *Vehicle Seizure Program*, available at http://www.sarasotapd.org/vehicle-seizure-program/ (last accessed Jan. 9, 2018).

If the registered owner of the vehicle is unable to pay the administrative penalty within 35 days, the city disposes of the vehicle. The City of Bradenton uses the same process and rate structure.²⁶

Other municipalities have enacted ordinances charging an administrative fee for any vehicle impoundment associated with an arrest. For example, the City of Sweetwater imposes an "impoundment administrative fee" on all vehicles seized incident to an arrest. The fee is \$500 if the impoundment stems from a felony arrest and \$250 if the impoundment stems from a misdemeanor.²⁷

The City of Winter Springs imposes an administrative fee for impoundment arising from twelve offenses enumerated in the authorizing ordinance, ranging from prostitution to dumping litter weighing more than 15 pounds.²⁸ The registered owner may request a hearing, either accruing additional storage fees pending the hearing or posting a bond equal to the amount of the administrative fee (\$550). If the registered owner waives the right to hearing, the administrative fee is reduced to \$250. These fees are payable to the city but are collected by towing companies.²⁹

By contract, some municipalities require wrecker services to pay a monthly fee for serving as authorized wrecker operators. For example, the contract between the City of Sarasota and a wrecker operator requires the operator to pay the city \$10,151 per month for "the opportunity to provide" wrecker services, as well as \$500 for each impounded vehicle sold by the wrecker service.³⁰

III. Effect of Proposed Changes:

Sections 1 and 3 amend ss. 125.0103 and 166.043, F.S., to authorize a county or municipality to regulate the rates for the towing or immobilization of vessels. A county or municipality is required to establish a maximum rate that may be charged for the towing, immobilization or storage of vehicles and vessels. The bill provides that the maximum rate to immobilize a vehicle or vessel may not exceed 20 percent of the maximum rate allowed by the county or municipality for towing a vehicle or vessel from private property. The bill defines immobilization as the act of rendering a vehicle or vessel inoperable by the use of a device such as a "boot," "club," "Barnacle," or any other device which renders the vehicle or vessel inoperable.

Sections 2 and 4 create ss. 125.01047 and 166.04465, F.S., to prohibit a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The prohibition would not impact the ability of the county or municipality to levy a business tax

http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0963a.LFV.DOCX&DocumentType=Analys is&BillNumber=0963&Session=2018

²⁶ Bradenton, Fla. Code of Ordinances, ch. 54, art. IV (2016).

²⁷ Sweetwater, Fla. Code of Ordinances, ch. 42-1, s. 42.1(c) (2017).

²⁸ Winter Springs, Fla. Ordinance No. 2016-01 (effective October 23, 2016).

²⁹ Florida House of Representatives, House Bill 963 Staff Analysis (January 16, 2018) Winter Springs, FL Notice of Right to Hearing Form available at

http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0963a.LFV.DOCX&DocumentType=Analysis&BillNumber=0963&Session=2018

³⁰ Florida House of Representatives, House Bill 963 Staff Analysis (January 16, 2018) Agreement for Wrecker Towing and Storage Services, City of Sarasota and J&G WFR, Inc. dba Direct Towing Form available at

under ss. 205.0315, 205.033, or 205.0535, F.S. It also would not impact the ability of the county to impose a reasonable administrative fee or charge by ordinance on the legal owner of a vehicle if a county or municipal law enforcement officer has caused the owner's vehicle to be towed to and impounded at a facility owned by the county or municipality. The administrative fee imposed under this section may not exceed 25 percent of the maximum towing rate. The bill authorizes an authorized wrecker operator or towing business to impose and collect the administrative fee and provides that the authorized wrecker operator or towing business is not required to remit the fee to the county or municipality until it is actually collected.

Section 5 amends s. 332.002, F.S., to prohibit a county or municipality from adopting or enforcing an ordinance that imposes any charge, cost, expense, fine, fee, or penalty, on the registered owner or lienholder of a vehicle removed and impounded by an authorized wrecker operator. This prohibition does not apply to a reasonable administrative fee or charge, limited to 25 percent of the maximum towing rate, to cover the cost of enforcement.

Section 6 amends s. 713.78, F.S., to provide that the administrative fee shall be included as part of the lien on the vehicle or vessel held by the towing operator.

Section 7 provides an effective date of 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:

The bill will reduce expenses for towing companies that are located in counties or municipalities currently charging a fee on authorized wrecker operators.

C. Government Sector Impact:

The bill will have an indeterminate impact on local government revenue. The bill prohibits counties and municipalities from charging certain fees to authorized wrecker

operators and towing companies which are currently charged by some jurisdictions, while authorizing the collection of administrative fees for the cost of enforcement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.0103, 166.043, 323.002, and 713.78.

This bill creates the following sections of the Florida Statutes: 125.01047 and 166.04465.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

SB 1632

By Senator Mayfield

17-01484B-18 20181632 1 A bill to be entitled 2 An act relating to towing and immobilization fees and charges; amending ss. 125.0103 and 166.043, F.S.; expanding the application of certain provisions related to ordinances and rules imposing price controls to include the towing or immobilization of vessels; establishing a maximum rate that counties and municipalities may charge for the immobilization of ç vehicles or vessels under certain conditions; defining 10 the term "immobilize"; creating ss. 125.01047 and 11 166.04465, F.S.; prohibiting counties and 12 municipalities from enacting certain ordinances or 13 rules that impose fees or charges on authorized 14 wrecker operators or towing businesses; defining the 15 term "towing business"; providing exceptions to the 16 prohibition; amending s. 323.002, F.S.; prohibiting 17 counties and municipalities from imposing charges, 18 costs, expenses, fines, fees, or penalties on 19 registered owners, other legally authorized persons in 20 control, or lienholders of vehicles or vessels under 21 certain conditions; providing an exception; amending 22 s. 713.78, F.S.; authorizing certain persons to place 23 liens on vehicles or vessels to recover specified fees 24 or charges; providing an effective date. 2.5 26 Be It Enacted by the Legislature of the State of Florida: 27 2.8 Section 1. Paragraphs (b) and (c) of subsection (1) of 29 section 125.0103, Florida Statutes, are amended to read: Page 1 of 7 CODING: Words stricken are deletions; words underlined are additions.

17-01484B-18 20181632 30 125.0103 Ordinances and rules imposing price controls; 31 findings required; procedures.-32 (1)33 (b) The provisions of this section shall not prevent the 34 enactment by local governments of public service rates otherwise 35 authorized by law, including water, sewer, solid waste, public 36 transportation, taxicab, or port rates, rates for towing of 37 vehicles or vessels from or immobilization of vehicles or 38 vessels on private property, or rates for removal and storage of 39 wrecked or disabled vehicles or vessels from an accident scene 40 or the removal and storage of vehicles or vessels in the event 41 the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at 42 43 the scene, or otherwise does not consent to the removal of the vehicle or vessel. 44 45 (c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or 46 immobilization of vehicles or vessels on private property, 47 48 removal and storage of wrecked or disabled vehicles or vessels 49 from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is 50 incapacitated, unavailable, leaves the procurement of wrecker 51 52 service to the law enforcement officer at the scene, or 53 otherwise does not consent to the removal of the vehicle or 54 vessel. The maximum rate to immobilize a vehicle or vessel on 55 public or private property may not exceed 20 percent of the 56 maximum rate to tow a vehicle or vessel from private property. 57 However, if a municipality chooses to enact an ordinance 58 establishing the maximum rates fees for the towing or Page 2 of 7 CODING: Words stricken are deletions; words underlined are additions.

17-01484B-1820181632		
 (b), the county's ordinance shall not apply within such (b), the county's ordinance shall not apply within such (c) (b), the county's ordinance shall not apply within such (c) (c) (c) (c) (c) (c) (c) (c) (c) (c)	1	17-01484B-18 20181632
<pre>municipality. For purposes of this paragraph, the term "immobilize" means the act of rendering a vehicle or vessel inoperable by the use of a device such as a "boot" or "club," the "Barnacle," or any other device that renders a vehicle or vessel inoperable. Section 2. Section 125.01047, Florida Statutes, is created to read: <u>125.01047 Rules and ordinances relating to towing services (1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain. (2) The prohibition set forth in subsection (1) does not affect a county's authority to: (a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum </u></pre>	59	immobilization of vehicles or vessels as described in paragraph
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 Section 2. Section 125.01047, Florida Statutes, is created to read: 125.01047 Rules and ordinances relating to towing services (1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain. (2) The prohibition set forth in subsection (1) does not affect a county's authority to: (a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum 	64	the "Barnacle," or any other device that renders a vehicle or
to read: 125.01047 Rules and ordinances relating to towing services.— (1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain. (2) The prohibition set forth in subsection (1) does not affect a county's authority to: (a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum	65	vessel inoperable.
68 <u>125.01047 Rules and ordinances relating to towing</u> <u>services</u> 70 (1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain. 76 (2) The prohibition set forth in subsection (1) does not affect a county's authority to: (a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. 80 (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum	66	Section 2. Section 125.01047, Florida Statutes, is created
69 services.— (1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain. (2) The prohibition set forth in subsection (1) does not affect a county's authority to: (a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum	67	to read:
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<pre>75 provides towing services for monetary gain. 76 (2) The prohibition set forth in subsection (1) does not affect a county's authority to: 78 (a) Levy a reasonable business tax under s. 205.0315, s. 79 205.033, or s. 205.0535. 80 (b) Impose and collect a reasonable administrative fee or 81 charge on the registered owner or other legally authorized 82 person in control of a vehicle or vessel, or the lienholder of a 83 vehicle or vessel, not to exceed 25 percent of the maximum</pre>	73	impounding, or storing a vehicle or vessel. As used in this
76 (2) The prohibition set forth in subsection (1) does not affect a county's authority to: (a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum	74	section, the term "towing business" means a business that
<pre>affect a county's authority to: (a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum</pre>	75	provides towing services for monetary gain.
(a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535. (b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum	76	(2) The prohibition set forth in subsection (1) does not
79 <u>205.033, or s. 205.0535.</u> 80 <u>(b) Impose and collect a reasonable administrative fee or</u> 81 <u>charge on the registered owner or other legally authorized</u> 82 <u>person in control of a vehicle or vessel, or the lienholder of a</u> 83 <u>vehicle or vessel, not to exceed 25 percent of the maximum</u>	77	affect a county's authority to:
 (b) Impose and collect a reasonable administrative fee or (charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum 	78	(a) Levy a reasonable business tax under s. 205.0315, s.
<pre>81 charge on the registered owner or other legally authorized 82 person in control of a vehicle or vessel, or the lienholder of a 83 vehicle or vessel, not to exceed 25 percent of the maximum</pre>	79	205.033, or s. 205.0535.
<pre>82 person in control of a vehicle or vessel, or the lienholder of a 83 vehicle or vessel, not to exceed 25 percent of the maximum</pre>	80	(b) Impose and collect a reasonable administrative fee or
83 vehicle or vessel, not to exceed 25 percent of the maximum	81	charge on the registered owner or other legally authorized
*	82	person in control of a vehicle or vessel, or the lienholder of a
84 towing rate, to cover the cost of enforcement, including parking	83	vehicle or vessel, not to exceed 25 percent of the maximum
	84	towing rate, to cover the cost of enforcement, including parking
85 enforcement, by the county when the vehicle or vessel is towed	85	enforcement, by the county when the vehicle or vessel is towed
86 from public property. However, an authorized wrecker operator or	86	from public property. However, an authorized wrecker operator or
87 towing business may impose and collect the administrative fee or	87	towing business may impose and collect the administrative fee or

Page 3 of 7

 $\textbf{CODING: Words } \underline{stricken} \text{ are deletions; words } \underline{underlined} \text{ are additions.}$

	17-01484B-18 20181632_
88	charge on behalf of the county and shall remit such fee or
89	charge to the county only after it is collected.
90	Section 3. Paragraphs (b) and (c) of subsection (1) of
91	section 166.043, Florida Statutes, are amended to read:
92	166.043 Ordinances and rules imposing price controls;
93	findings required; procedures
94	(1)
95	(b) The provisions of this section shall not prevent the
96	enactment by local governments of public service rates otherwise
97	authorized by law, including water, sewer, solid waste, public
98	transportation, taxicab, or port rates, rates for towing of
99	vehicles or vessels from or immobilization of vehicles or
100	$\underline{\text{vessels}}$ on private property, or rates for removal and storage of
101	wrecked or disabled vehicles or vessels from an accident scene
102	or the removal and storage of vehicles $\underline{\text{or vessels}}$ in the event
103	the owner or operator is incapacitated, unavailable, leaves the
104	procurement of wrecker service to the law enforcement officer at
105	the scene, or otherwise does not consent to the removal of the
106	vehicle <u>or vessel</u> .
107	(c) Counties must establish maximum rates which may be
108	charged on the towing of vehicles or vessels from or
109	immobilization of vehicles or vessels on private property,
110	removal and storage of wrecked or disabled vehicles or vessels
111	from an accident scene or for the removal and storage of
112	vehicles or vessels, in the event the owner or operator is
113	incapacitated, unavailable, leaves the procurement of wrecker
114	service to the law enforcement officer at the scene, or
115	otherwise does not consent to the removal of the vehicle $\underline{\mathrm{or}}$
116	vessel. The maximum rate to immobilize a vehicle or vessel on
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Page 4 of 7

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	17-01484B-18 20181632
117	public or private property may not exceed 20 percent of the
118	maximum rate to tow a vehicle or vessel from private property.
119	However, if a municipality chooses to enact an ordinance
120	establishing the maximum \underline{rates} for the towing or
121	immobilization of vehicles or vessels as described in paragraph
122	(b), the county's ordinance established under s. 125.0103 shall
123	not apply within such municipality. For purposes of this
124	paragraph, the term "immobilize" means the act of rendering a
125	vehicle or vessel inoperable by the use of a device such as a
126	"boot" or "club," the "Barnacle," or any other device that
127	renders a vehicle or vessel inoperable.
128	Section 4. Section 166.04465, Florida Statutes, is created
129	to read:
130	166.04465 Rules and ordinances relating to towing
131	services
132	(1) A municipality may not enact an ordinance or rule that
133	would impose a fee or charge on an authorized wrecker operator,
134	as defined in s. 323.002(1), or on a towing business for towing,
135	impounding, or storing a vehicle or vessel. As used in this
136	section, the term "towing business" means a business that
137	provides towing services for monetary gain.
138	(2) The prohibition set forth in subsection (1) does not
139	affect a municipality's authority to:
140	(a) Levy a reasonable business tax under s. 205.0315, s.
141	205.043, or s. 205.0535.
142	(b) Impose and collect a reasonable administrative fee or
143	charge on the registered owner or other legally authorized
144	person in control of a vehicle or vessel, or the lienholder of a
145	vehicle or vessel, not to exceed 25 percent of the maximum
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	17-01484B-18 20181632_
146	towing rate, to cover the cost of enforcement, including parking
147	enforcement, by the municipality when the vehicle or vessel is
148	towed from public property. However, an authorized wrecker
149	operator or towing business may impose and collect the
150	administrative fee or charge on behalf of the municipality and
151	shall remit such fee or charge to the municipality only after it
152	is collected.
153	Section 5. Subsection (4) of section 323.002, Florida
154	Statutes, is renumbered as subsection (5), and a new subsection
155	(4) is added to that section, to read:
156	323.002 County and municipal wrecker operator systems;
157	penalties for operation outside of system
158	(4)(a) Except as provided in paragraph (b), a county or
159	municipality may not adopt or maintain in effect an ordinance or
160	rule that imposes a charge, cost, expense, fine, fee, or penalty
161	on a registered owner or other legally authorized person in
162	control of a vehicle or vessel, or the lienholder of a vehicle
163	or vessel, when the vehicle or vessel is towed by an authorized
164	wrecker operator under this chapter.
165	(b) A county or municipality may adopt or maintain an
166	ordinance or rule that imposes a reasonable administrative fee
167	or charge on the registered owner or other legally authorized
168	person in control of a vehicle or vessel, or the lienholder of a
169	vehicle or vessel, which is towed by an authorized wrecker
170	operator, not to exceed 25 percent of the maximum towing rate,
171	to cover the cost of enforcement, including parking enforcement,
172	by the county or municipality when the vehicle or vessel is
173	towed from public property. However, an authorized wrecker
174	operator or towing business may impose and collect the
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Page 6 of 7

17-01484B-18 20181632 175 administrative fee or charge on behalf of the county or 176 municipality and shall remit such fee or charge to the county or 177 municipality only after it is collected. Section 6. Subsection (2) of section 713.78, Florida 178 179 Statutes, is amended to read: 180 713.78 Liens for recovering, towing, or storing vehicles 181 and vessels.-182 (2) Whenever a person regularly engaged in the business of 183 transporting vehicles or vessels by wrecker, tow truck, or car 184 carrier recovers, removes, or stores a vehicle or vessel upon 185 instructions from: 186 (a) The owner thereof; (b) The owner or lessor, or a person authorized by the 187 188 owner or lessor, of property on which such vehicle or vessel is 189 wrongfully parked, and the removal is done in compliance with s. 190 715.07; 191 (c) The landlord or a person authorized by the landlord, 192 when such motor vehicle or vessel remained on the premises after 193 the tenancy terminated and the removal is done in compliance 194 with s. 83.806 or s. 715.104; or 195 (d) Any law enforcement agency, 196 she or he shall have a lien on the vehicle or vessel for a 197 198 reasonable towing fee, for a reasonable administrative fee or 199 charge imposed by a county or municipality, and for a reasonable storage fee; except that no storage fee shall be charged if the 200 201 vehicle or vessel is stored for less than 6 hours. 202 Section 7. This act shall take effect July 1, 2018.

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