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A bill to be entitled

An act relating to developments of regional impact; amending s. 380.06, F.S.; providing that applications for development approval filed after a certain date need only provide information and analysis for certain specified issues; revising requirements and criteria for development orders; requiring certain required contributions to a proposed development to provide a proportional benefit to the development; prohibiting the Department of Community Affairs from imposing or recommending any requirement or condition not authorized by law; limiting the administrative roles of the department and regional planning agencies; specifying absence of certain regulatory authority; deleting a prohibition against local governments issuing development permits after certain threshold dates in a development order; revising criteria subjecting a development to further review without certain findings of substantial deviation; revising rulemaking requirements for the state land planning agency to conform; revising criteria for development-of-regional-impact review by the agency; providing requirements for modified rules by the agency; providing limitations; revising an exemption for certain marinas and waterports under certain circumstances; amending s. 380.0651, F.S.; providing for a minimum threshold for development-of-regional-impact review; providing an exception; providing an effective date.

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

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Section 1. Subsections (1), (15), (19), and (23) and paragraphs (g) and (k) of subsection (24) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.--

(1) DEFINITION.--The term "development of regional impact," as used in this section, means any development that ~~which~~, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of residents ~~citizens~~ of more than one county. Each new application for development approval filed after January 1, 2005, need only provide information and analysis for regionally significant multijurisdictional issues that are not reviewed by resource agencies such as water management districts, the Fish and Wildlife Conservation Commission, or the Department of Environmental Protection. Information and data analysis submitted to these resource agencies shall be supplied to local governments for informational purposes and comments may be directed to the applicable resource agency. Issues other than such regionally significant multijurisdictional issues need not be included in the regional analysis report or in the development order.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

(a) The appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer.

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

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58 development approvals that may be applicable to the proposed
59 development.

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

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

66 2. Shall establish compliance dates for the development
67 order, including a deadline for commencing physical development
68 and for compliance with conditions of approval or phasing
69 requirements, ~~and shall include a termination date that~~
70 ~~reasonably reflects the time required to complete the~~
71 ~~development.~~

72 3. Shall establish ~~a date until which the local government~~
73 ~~agrees~~ that the approved development of regional impact shall
74 not be subject to comprehensive plan amendment, downzoning, unit
75 density reduction, or intensity reduction, unless the local
76 government can demonstrate that substantial adverse changes in
77 the conditions underlying the approval of the development order
78 have occurred or the development order was based on
79 substantially inaccurate information provided by the developer
80 or that the change is clearly established by local government to
81 be essential to prevent harm to the public health, safety, or
82 welfare.

83 4. Shall specify the requirements for the biennial report
84 designated under subsection (18), including the date of
85 submission, parties to whom the report is submitted, and
86 contents of the report, based upon the rules adopted by the

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87 state land planning agency. Such rules shall specify the scope
 88 of any additional local requirements that may be necessary for
 89 the report.

90 ~~5. May specify the types of changes to the development~~
 91 ~~which shall require submission for a substantial deviation~~
 92 ~~determination under subsection (19).~~

93 5.6. Shall include a legal description of the property.

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

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

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

108 3. Any funds or lands contributed must be expressly
 109 designated and used to mitigate impacts reasonably attributable
 110 and beneficial to the proposed development in approximate
 111 proportion to its contribution.

112 4. Construction or expansion of a public facility by a
 113 nongovernmental developer as a condition of a development order
 114 to mitigate the impacts reasonably attributable to the proposed
 115 development is not subject to competitive bidding or competitive

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116 negotiation for selection of a contractor or design professional
 117 for any part of the construction or design unless required by
 118 the local government that issues the development order.

119 (e)1. Effective July 1, 1986, a local government shall not
 120 include, as a development order condition for a development of
 121 regional impact, any requirement that a developer contribute or
 122 pay for land acquisition or construction or expansion of public
 123 facilities or portions thereof unless the local government has
 124 enacted and consistently enforced a local ordinance that ~~which~~
 125 requires all other development not subject to this section to
 126 contribute its proportionate share of the funds, land, or public
 127 facilities necessary to accommodate any impacts having a
 128 rational nexus to the proposed development, and the need to
 129 construct new facilities or add to the present system of public
 130 facilities must be reasonably attributable to the proposed
 131 development and must be provided over a reasonable time related
 132 to the proposed development's impacts.

133 2. A local government shall not approve a development of
 134 regional impact that does not make adequate provision for the
 135 public facilities needed to accommodate the impacts of the
 136 proposed development unless the local government includes in the
 137 development order a commitment by the local government to
 138 provide these facilities consistently with the development
 139 schedule approved in the development order; however, a local
 140 government's failure to meet the requirements of subparagraph 1.
 141 and this subparagraph shall not preclude the issuance of a
 142 development order where adequate provision is made by the
 143 developer for the public facilities needed to accommodate the
 144 impacts of the proposed development. Any funds or lands

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145 contributed by a developer must be expressly designated and used
 146 to accommodate impacts reasonably attributable and beneficial to
 147 the proposed development in approximate proportion to its
 148 contribution.

149 3. The Department of Community Affairs and other state and
 150 regional agencies involved in the administration and
 151 implementation of this act may not impose or recommend the
 152 imposition of any requirement or condition, including, but not
 153 limited to, impact fees, land dedication, contribution, or other
 154 exaction except as specifically authorized by law. Such agencies
 155 shall cooperate and work with units of local government in
 156 preparing and adopting local impact fee and other contribution
 157 ordinances to ensure consistent application to all future
 158 development within the local government's jurisdiction. The
 159 roles of the department and constituent regional planning
 160 agencies involved in the administration of this chapter are
 161 limited to providing technical and planning assistance. This
 162 chapter grants those agencies no substantive regulatory
 163 authority.

164 (f) Notice of the adoption of a development order or the
 165 subsequent amendments to an adopted development order shall be
 166 recorded by the developer, in accordance with s. 28.222, with
 167 the clerk of the circuit court for each county in which the
 168 development is located. The notice shall include a legal
 169 description of the property covered by the order and shall state
 170 which unit of local government adopted the development order,
 171 the date of adoption, the date of adoption of any amendments to
 172 the development order, the location where the adopted order with
 173 any amendments may be examined, and that the development order

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174 constitutes a land development regulation applicable to the
 175 property. The recording of this notice shall not constitute a
 176 lien, cloud, or encumbrance on real property, or actual or
 177 constructive notice of any such lien, cloud, or encumbrance.
 178 This paragraph applies only to developments initially approved
 179 under this section after July 1, 1980.

180 ~~(g) A local government shall not issue permits for~~
 181 ~~development subsequent to the termination date or expiration~~
 182 ~~date contained in the development order unless:~~

183 ~~1. The proposed development has been evaluated~~
 184 ~~cumulatively with existing development under the substantial~~
 185 ~~deviation provisions of subsection (19) subsequent to the~~
 186 ~~termination or expiration date;~~

187 ~~2. The proposed development is consistent with an~~
 188 ~~abandonment of development order that has been issued in~~
 189 ~~accordance with the provisions of subsection (26); or~~

190 ~~3. The project has been determined to be an essentially~~
 191 ~~built-out development of regional impact through an agreement~~
 192 ~~executed by the developer, the state land planning agency, and~~
 193 ~~the local government, in accordance with s. 380.032, which will~~
 194 ~~establish the terms and conditions under which the development~~
 195 ~~may be continued. If the project is determined to be essentially~~
 196 ~~built-out, development may proceed pursuant to the s. 380.032~~
 197 ~~agreement after the termination or expiration date contained in~~
 198 ~~the development order without further development of regional-~~
 199 ~~impact review subject to the local government comprehensive plan~~
 200 ~~and land development regulations or subject to a modified~~
 201 ~~development of regional impact analysis. As used in this~~

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202 ~~paragraph, an "essentially built-out" development of regional~~
 203 ~~impact means:~~

204 ~~a. The development is in compliance with all applicable~~
 205 ~~terms and conditions of the development order except the built-~~
 206 ~~out date; and~~

207 ~~b.(I) The amount of development that remains to be built~~
 208 ~~is less than the substantial deviation threshold specified in~~
 209 ~~paragraph (19)(b) for each individual land use category, or, for~~
 210 ~~a multiuse development, the sum total of all unbuilt land uses~~
 211 ~~as a percentage of the applicable substantial deviation~~
 212 ~~threshold is equal to or less than 100 percent; or~~

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

217 (g)(h) If the property is annexed by another local
 218 jurisdiction, the annexing jurisdiction shall amend its
 219 comprehensive plan and land development regulations applicable
 220 to the subject property and adopt a new development order that
 221 incorporates all previous rights and obligations specified in
 222 the prior development order.

223 (19) SUBSTANTIAL DEVIATIONS.--

224 (a) Any proposed change to a previously approved
 225 development which creates a reasonable likelihood of additional
 226 regional impact, or any type of regional impact created by the
 227 change not previously reviewed by the regional planning agency,
 228 shall constitute a substantial deviation and shall cause the
 229 development to be subject to further development-of-regional-
 230 impact review. There are a variety of reasons why a developer

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231 may wish to propose changes to an approved development of
 232 regional impact, including changed market conditions. The
 233 procedures set forth in this subsection are for that purpose.

234 (b) Effective January 1, 2005, any proposed change to a
 235 previously approved development of regional impact or
 236 development order condition which, either individually or
 237 cumulatively with other changes, exceeds any of the following
 238 criteria shall constitute a substantial deviation and shall
 239 cause the development to be subject to further development-of-
 240 regional-impact review without the necessity for a finding of
 241 same by the local government:

242 1. An increase in the number of parking spaces at an
 243 attraction or recreational facility by 10 ~~5~~ percent or 300
 244 spaces, whichever is greater, or an increase in the number of
 245 spectators that may be accommodated at such a facility by 10 ~~5~~
 246 percent or 1,500 ~~1,000~~ spectators, whichever is greater.

247 2. A new runway, a new terminal facility, a 25-percent
 248 lengthening of an existing runway, or a 25-percent increase in
 249 the number of gates of an existing terminal, but only if the
 250 increase adds at least three additional gates. However, if an
 251 airport is located in two counties, a 10-percent lengthening of
 252 an existing runway or a 20-percent increase in the number of
 253 gates of an existing terminal is the applicable criteria.

254 3. An increase in the number of hospital beds by 5 percent
 255 or 60 beds, whichever is greater.

256 4. An increase in industrial development area by 5 percent
 257 or 32 acres, whichever is greater.

258 5. An increase in the average annual acreage mined by 5
 259 percent or 10 acres, whichever is greater, or an increase in the

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260 average daily water consumption by a mining operation by 5
 261 percent or 300,000 gallons, whichever is greater. An increase in
 262 the size of the mine by 5 percent or 750 acres, whichever is
 263 less.

264 6. An increase in land area for office development by 5
 265 percent or an increase of gross floor area of office development
 266 by 5 percent or 60,000 gross square feet, whichever is greater.

267 7. An increase in the storage capacity for chemical or
 268 petroleum storage facilities by 5 percent, 20,000 barrels, or 7
 269 million pounds, whichever is greater.

270 8. An increase of development at a waterport of wet
 271 storage for 20 watercraft, dry storage for 30 watercraft, or
 272 wet/dry storage for 60 watercraft in an area identified in the
 273 state marina siting plan as an appropriate site for additional
 274 waterport development or a 15-percent ~~5-percent~~ increase in
 275 watercraft storage capacity, whichever is greater.

276 9. An increase in the number of dwelling units by 10 5
 277 percent or 100 ~~50~~ dwelling units, whichever is greater.

278 10. An increase in commercial development by 75,000 ~~50,000~~
 279 square feet of gross floor area or of parking spaces provided
 280 for customers for 450 ~~300~~ cars or a 10-percent ~~5-percent~~
 281 increase of either of these, whichever is greater.

282 11. An increase in hotel or motel facility units by 5
 283 percent or 75 units, whichever is greater.

284 12. An increase in a recreational vehicle park area by 5
 285 percent or 100 vehicle spaces, whichever is less.

286 13. A decrease in the area set aside for open space of 5
 287 percent or 20 acres, whichever is less.

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288 14. A proposed increase to an approved multiuse
 289 development of regional impact where the sum of the increases of
 290 each land use as a percentage of the applicable substantial
 291 deviation criteria is equal to or exceeds 150 ~~100~~ percent. The
 292 percentage of any decrease in the amount of open space shall be
 293 treated as an increase for purposes of determining when 150 100
 294 percent has been reached or exceeded.

295 15. A 25-percent ~~15-percent~~ increase in the number of
 296 external vehicle trips generated by the development above that
 297 which was projected during the original development-of-regional-
 298 impact review.

299 16. Any change that ~~which~~ would result in development of
 300 any area which was specifically set aside in the application for
 301 development approval or in the development order for
 302 preservation or special protection of endangered or threatened
 303 plants or animals designated as endangered, threatened, or
 304 species of special concern and their habitat, primary dunes, or
 305 archaeological and historical sites designated as significant by
 306 the Division of Historical Resources of the Department of State.
 307 The further refinement of such areas by survey shall be
 308 considered under sub-subparagraph (e)5.b.

309
 310 The substantial deviation numerical standards in subparagraphs
 311 4., 6., 10., 14., excluding residential uses, and 15., are
 312 increased by 100 percent for a project certified under s.
 313 403.973 which creates jobs and meets criteria established by the
 314 Office of Tourism, Trade, and Economic Development as to its
 315 impact on an area's economy, employment, and prevailing wage and
 316 skill levels. The substantial deviation numerical standards in

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317 subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50
 318 percent for a project located wholly within an urban infill and
 319 redevelopment area designated on the applicable adopted local
 320 comprehensive plan future land use map and not located within
 321 the coastal high hazard area.

322 (c) An extension of the date of buildout of a development,
 323 or any phase thereof, by 7 or more years shall be presumed to
 324 create a substantial deviation subject to further development-
 325 of-regional-impact review. ~~An extension of the date of buildout,~~
 326 ~~or any phase thereof, of 5 years or more but less than 7 years~~
 327 ~~shall be presumed not to create a substantial deviation.~~ These
 328 presumptions may be rebutted by clear and convincing evidence at
 329 the public hearing held by the local government. An extension of
 330 less than 7 5 years is not a substantial deviation. For the
 331 purpose of calculating when a buildout, phase, or termination
 332 date has been exceeded, the time shall be tolled during the
 333 pendency of administrative or judicial proceedings relating to
 334 development permits. Any extension of the buildout date of a
 335 project or a phase thereof shall automatically extend the
 336 commencement date of the project, the termination date of the
 337 development order, the expiration date of the development of
 338 regional impact, and the phases thereof by a like period of
 339 time.

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

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

351 (e)1. Except for a development order rendered pursuant to
 352 subsection (22) or subsection (25), a proposed change to a
 353 development order that individually or cumulatively with any
 354 previous change is less than any numerical criterion contained
 355 in subparagraphs (b)1.-15. and does not exceed any other
 356 criterion, or that involves an extension of the buildout date of
 357 a development, or any phase thereof, of less than 7 ~~5~~ years is
 358 not subject to the public hearing requirements of subparagraph
 359 (f)3., and is not subject to a determination pursuant to
 360 subparagraph (f)5. Notice of the proposed change shall be made
 361 to the regional planning council and the state land planning
 362 agency. Such notice shall include a description of previous
 363 individual changes made to the development, including changes
 364 previously approved by the local government, and shall include
 365 appropriate amendments to the development order.

366 2. The following changes, individually or cumulatively
 367 with any previous changes, are not substantial deviations:

368 a. Changes in the name of the project, developer, owner,
 369 or monitoring official.

370 b. Changes to a setback that do not affect noise buffers,
 371 environmental protection or mitigation areas, or archaeological
 372 or historical resources.

373 c. Changes to minimum lot sizes.

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374 d. Changes in the configuration of internal roads that do
375 not affect external access points.

376 e. Changes to the building design or orientation that stay
377 approximately within the approved area designated for such
378 building and parking lot, and which do not affect historical
379 buildings designated as significant by the Division of
380 Historical Resources of the Department of State.

381 f. Changes to increase the acreage in the development,
382 provided that no development is proposed on the acreage to be
383 added.

384 g. Changes to eliminate an approved land use, provided
385 that there are no additional regional impacts.

386 h. Changes required to conform to permits approved by any
387 federal, state, or regional permitting agency, provided that
388 these changes do not create additional regional impacts.

389 i. Any renovation or redevelopment of development within a
390 previously approved development of regional impact which does
391 not change land use or increase density or intensity of use.

392 j. Any other change which the state land planning agency
393 agrees in writing is similar in nature, impact, or character to
394 the changes enumerated in sub-subparagraphs a.-i. and which does
395 not create the likelihood of any additional regional impact.

396

397 This subsection does not require a development order amendment
398 for any change listed in sub-subparagraphs a.-j. unless such
399 issue is addressed either in the existing development order or
400 in the application for development approval, but, in the case of
401 the application, only if, and in the manner in which, the
402 application is incorporated in the development order.

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403 3. Except for the change authorized by sub-subparagraph
 404 2.f., any addition of contiguous land not previously reviewed or
 405 any change not specified in paragraph (b) or paragraph (c) may
 406 not ~~shall~~ be presumed to create a substantial deviation unless
 407 additional development approval is requested. This presumption
 408 may be rebutted by clear and convincing evidence.

409 4. Any submittal of a proposed change to a previously
 410 approved development shall include a description of individual
 411 changes previously made to the development, including changes
 412 previously approved by the local government. The local
 413 government shall consider the previous and current proposed
 414 changes in deciding whether such changes cumulatively constitute
 415 a substantial deviation requiring further development-of-
 416 regional-impact review.

417 5. The following changes to an approved development of
 418 regional impact shall be presumed to create a substantial
 419 deviation. Such presumption may be rebutted by clear and
 420 convincing evidence.

421 a. A change proposed for 25 ~~15~~ percent or more of the
 422 acreage to a land use not previously approved in the development
 423 order. Changes of less than 25 ~~15~~ percent do ~~shall be presumed~~
 424 ~~to~~ create a substantial deviation.

425 b. Except for the types of uses listed in subparagraph
 426 (b)16., any change that ~~which~~ would result in the development of
 427 any area that ~~which~~ was specifically set aside in the
 428 application for development approval or in the development order
 429 for preservation, buffers, or special protection, including
 430 habitat for plant and animal species, archaeological and
 431 historical sites, dunes, and other special areas.

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432 c. Notwithstanding any provision of paragraph (b) to the
433 contrary, a proposed change consisting of simultaneous increases
434 and decreases of at least two of the uses within an authorized
435 multiuse development of regional impact which was originally
436 approved with three or more uses specified in s. 380.0651(3)(c),
437 (d), (f), and (g) and residential use.

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

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

449 3. No ~~sooner than 30 days but no~~ later than 30 45 days
450 after submittal by the developer to the local government, the
451 state land planning agency, and the appropriate regional
452 planning agency, the local government shall give 15 days' notice
453 and schedule a public hearing to consider the change that the
454 developer asserts does not create a substantial deviation. This
455 public hearing shall be held within 75 90 days after submittal
456 of the proposed changes, unless that time is extended by the
457 developer.

458 4. The appropriate regional planning agency or the state
459 land planning agency shall review the proposed change and, no
460 later than 30 45 days after submittal by the developer of the

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

467 5. Within 15 days after submittal by the developer of the
 468 proposed change ~~At the public hearing~~, the local government
 469 staff shall notify the developer of their recommendation
 470 ~~determine~~ whether the proposed change requires further
 471 development-of-regional-impact review. The provisions of
 472 paragraphs (a) and (e), the thresholds set forth in paragraph
 473 (b), and the presumptions set forth in paragraphs (c) and (d)
 474 and subparagraph (e)3. shall be applicable in determining
 475 whether further development-of-regional-impact review is
 476 required.

477 6. If the local government determines at the public
 478 hearing that the proposed change does not require further
 479 development-of-regional-impact review and is otherwise approved,
 480 or if the proposed change is not subject to a hearing and
 481 determination pursuant to subparagraphs 3. and 5. and is
 482 otherwise approved, the local government shall issue an
 483 amendment to the development order incorporating the approved
 484 change and conditions of approval relating to the change. Such
 485 approval is entitled to complete vesting and does not divest any
 486 of the approvals provided for the original development of
 487 regional impact. The decision of the local government to
 488 approve, with or without conditions, or to deny the proposed
 489 change that the developer asserts does not require further

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490 review shall be subject to the appeal provisions of s. 380.07.
 491 However, the state land planning agency may not appeal the local
 492 government decision if it did not comply with subparagraph 4.
 493 The state land planning agency may not appeal a change to a
 494 development order made pursuant to subparagraph (e)1. or
 495 subparagraph (e)2. for developments of regional impact approved
 496 after January 1, 1980, unless the change would result in a
 497 significant impact to a regionally significant archaeological,
 498 historical, or natural resource not previously identified in the
 499 original development-of-regional-impact review.

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

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

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

514 3. If the local government determines that the proposed
 515 change, as it relates to the entire development, should be
 516 approved, any new conditions in the amendment to the development
 517 order issued by the local government shall address only those
 518 issues raised by the proposed change.

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

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

532 (23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.--

533 (a) The state land planning agency shall adopt rules to
 534 ensure uniform review of developments of regional impact by the
 535 state land planning agency and regional planning agencies under
 536 this section. These rules shall be adopted pursuant to chapter
 537 120 and shall include all forms, application content, and review
 538 guidelines necessary to implement development-of-regional-impact
 539 reviews. The state land planning agency, in consultation with
 540 the regional planning agencies, may also designate types of
 541 development or areas suitable for development in which reduced
 542 information requirements for development-of-regional-impact
 543 review shall apply. Effective January 1, 2005, the rules must
 544 reflect that the development-of-regional-impact review is
 545 limited to the regionally significant multijurisdictional issues
 546 that are not reviewed by resource agencies such as water

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547 management districts, the Fish and Wildlife Conservation
 548 Commission, and the Department of Environmental Protection.

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

559 (c) By January 1, 2005 ~~Within 6 months of the effective~~
 560 ~~date of this section,~~ the state land planning agency shall adopt
 561 modified rules that ~~which~~:

562 1. Establish uniform statewide standards for development-
 563 of-regional-impact review.

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

568 3. Limit the questions in the application for development
 569 approval pursuant to subsection (1) and paragraph (a).

570 (d) Regional planning agencies that perform development-
 571 of-regional-impact and Florida Quality Development review are
 572 authorized to assess and collect fees to fund the costs, direct
 573 and indirect, of conducting the review process. The state land
 574 planning agency shall adopt rules to provide uniform criteria
 575 for the assessment and collection of such fees. The rules

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576 providing uniform criteria shall not be subject to rule
 577 challenge under s. 120.56(2) or to drawout proceedings under s.
 578 120.54(3)(c)2., but, once adopted, shall be subject to an
 579 invalidity challenge under s. 120.56(3) by substantially
 580 affected persons. Until the state land planning agency adopts a
 581 rule implementing this paragraph, rules of the regional planning
 582 councils currently in effect regarding fees shall remain in
 583 effect. Fees may vary in relation to the type and size of a
 584 proposed project, but shall not exceed \$75,000, unless the state
 585 land planning agency, after reviewing any disputed expenses
 586 charged by the regional planning agency, determines that said
 587 expenses were reasonable and necessary for an adequate regional
 588 review of the impacts of a project.

589 (24) STATUTORY EXEMPTIONS.--

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

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

596 b. The sum of such expansions in permanent seating
 597 capacity does not exceed a total of 10 percent in any 5-year
 598 period and does not exceed a cumulative total of 20 percent for
 599 any such expansions; or

600 c. The increase in additional improved parking facilities
 601 is a one-time addition and does not exceed 3,500 parking spaces
 602 serving the sports facility; and

603 2. The local government having jurisdiction of the sports
 604 facility includes in the development order or development permit

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605 approving such expansion under this paragraph a finding of fact
 606 that the proposed expansion is consistent with the
 607 transportation, water, sewer and stormwater drainage provisions
 608 of the approved local comprehensive plan and local land
 609 development regulations relating to those provisions.

610
 611 Any owner or developer who intends to rely on this statutory
 612 exemption shall provide to the department a copy of the local
 613 government application for a development permit. Within 45 days
 614 after ~~of~~ receipt of the application, the department shall render
 615 to the local government an advisory and nonbinding opinion, in
 616 writing, stating whether, in the department's opinion, the
 617 prescribed conditions exist for an exemption under this
 618 paragraph. The local government shall render the development
 619 order approving each such expansion to the department. The
 620 owner, developer, or department may appeal the local government
 621 development order pursuant to s. 380.07, within 45 days after
 622 the order is rendered. The scope of review shall be limited to
 623 the determination of whether the conditions prescribed in this
 624 paragraph exist. If any sports facility expansion undergoes
 625 development of regional impact review, all previous expansions
 626 which were exempt under this paragraph shall be included in the
 627 development of regional impact review.

628 (k)~~1~~. A marina or waterport which is not subject to a
 629 development order under subsection (15) that is expanded or
 630 constructed after January 1, 2005, and that has fewer than 300
 631 new vehicular parking spaces is exempt from this section unless
 632 the marina or waterport is located in one of the counties
 633 enumerated in s. 370.12 and a manatee protection plan or boating

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634 facility siting plan has not been adopted by the board of county
 635 commissioners. ~~Any waterport or marina development is exempt~~
 636 ~~from the provisions of this section if the relevant county or~~
 637 ~~municipality has adopted a boating facility siting plan or~~
 638 ~~policy which includes applicable criteria, considering such~~
 639 ~~factors as natural resources, manatee protection needs and~~
 640 ~~recreation and economic demands as generally outlined in the~~
 641 ~~Bureau of Protected Species Management Boat Facility Siting~~
 642 ~~Guide, dated August 2000, into the coastal management or land~~
 643 ~~use element of its comprehensive plan. The adoption of boating~~
 644 ~~facility siting plans or policies into the comprehensive plan is~~
 645 ~~exempt from the provisions of s. 163.3187(1). Any waterport or~~
 646 ~~marina development within the municipalities or counties with~~
 647 ~~boating facility siting plans or policies that meet the above~~
 648 ~~criteria, adopted prior to April 1, 2002, are exempt from the~~
 649 ~~provisions of this section, when their boating facility siting~~
 650 ~~plan or policy is adopted as part of the relevant local~~
 651 ~~government's comprehensive plan.~~

652 ~~2. Within 6 months of the effective date of this law, the~~
 653 ~~Department of Community Affairs, in conjunction with the~~
 654 ~~Department of Environmental Protection and the Florida Fish and~~
 655 ~~Wildlife Conservation Commission, shall provide technical~~
 656 ~~assistance and guidelines, including model plans, policies and~~
 657 ~~criteria to local governments for the development of their~~
 658 ~~siting plans.~~

659 Section 2. Paragraph (j) of subsection (3) of section
 660 380.0651, Florida Statutes, is amended to read:

661 380.0651 Statewide guidelines and standards.--

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662 (3) The following statewide guidelines and standards shall
 663 be applied in the manner described in s. 380.06(2) to determine
 664 whether the following developments shall be required to undergo
 665 development-of-regional-impact review:

666 (j) Residential development.--No rule may be adopted
 667 concerning residential developments which treats a residential
 668 development in one county as being located in a less populated
 669 adjacent county unless more than 25 percent of the development
 670 is located within 2 or less miles of the less populated adjacent
 671 county. Effective January 1, 2005, the minimum threshold for
 672 development-of-regional-impact review is 1,000 residential
 673 dwelling units; however, this minimum threshold is not subject
 674 to the 150 percent multiplier provided to rural areas of
 675 economic concern pursuant to s. 380.06(2)(e).

676 Section 3. This act shall take effect January 1, 2005.