

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Brown offered the following:

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3 **Amendment (with directory and title amendments)**

4 Remove line(s) 54-74, and insert:

5 (a) Any proposed change to a previously approved
6 development which creates a reasonable likelihood of additional
7 regional impact, or any type of regional impact created by the
8 change not previously reviewed by the regional planning agency,
9 shall constitute a substantial deviation and shall cause the
10 development to be subject to further development-of-regional-
11 impact review to the extent of the change. All proposed changes
12 to a previously approved development, whether substantial or
13 not, shall be reviewed by the local government to determine
14 whether the proposed change is consistent with the current local
15 comprehensive plan and land development regulations under the
16 procedures set forth in this subsection. Proposed changes

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17 determined to be inconsistent with the current comprehensive
18 plan or such land development regulations shall be denied.
19 Unchanged portions of the development of regional impact shall
20 retain the vested rights protected under s. 163.3167(8) unless
21 otherwise provided in the development order. There are a variety
22 of reasons why a developer may wish to propose changes to an
23 approved development of regional impact, including changed
24 market conditions. The procedures set forth in this subsection
25 are for that purpose.

26 (c) An extension of the date of buildout of a development,
27 or any phase thereof, by 7 or more years shall be presumed to
28 create a substantial deviation subject to further development-
29 of-regional-impact review. An extension of the date of
30 buildout, or any phase thereof, of 5 years or more but less than
31 7 years shall be presumed not to create a substantial deviation.
32 The extension of the date of buildout of an areawide development
33 of regional impact by more than 5 years but less than 10 years
34 is presumed not to create a substantial deviation. These
35 presumptions may be rebutted by clear and convincing evidence at
36 the public hearing held by the local government. An extension
37 of less than 5 years is not a substantial deviation. For the
38 purpose of calculating when a buildout, phase, or termination
39 date has been exceeded, the time shall be tolled during the
40 pendency of administrative or judicial proceedings relating to
41 development permits. Any extension of the buildout date of a
42 project or a phase thereof shall automatically extend the
43 commencement date of the project, the termination date of the
44 development order, the expiration date of the development of

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45 regional impact, and the phases thereof by a like period of
46 time.

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

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

58 3. No sooner than 30 days but no later than 45 days after
59 submittal by the developer to the local government, the state
60 land planning agency, and the appropriate regional planning
61 agency, the local government shall give 15 days' notice and
62 schedule a public hearing to consider the change that the
63 developer asserts does not create a substantial deviation. This
64 public hearing shall be held within 90 days after submittal of
65 the proposed changes, unless that time is extended by the
66 developer.

67 4. The appropriate regional planning agency or the state
68 land planning agency shall review the proposed change and, no
69 later than 45 days after submittal by the developer of the
70 proposed change, unless that time is extended by the developer,
71 and prior to the public hearing at which the proposed change is
72 to be considered, shall advise the local government in writing

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73 whether it objects to the proposed change, shall specify the
74 reasons for its objection, if any, and shall provide a copy to
75 the developer.

76 5. At the public hearing, the local government shall
77 determine whether the proposed change requires further
78 development-of-regional-impact review. The provisions of
79 paragraphs (a) and (e), the thresholds set forth in paragraph
80 (b), and the presumptions set forth in paragraphs (c) and (d)
81 and subparagraph (e)3. shall be applicable in determining
82 whether further development-of-regional-impact review is
83 required.

84 6. If the local government determines that the proposed
85 change does not require further development-of-regional-impact
86 review and the proposed change is consistent with the local
87 comprehensive plan and land development regulations and is
88 ~~otherwise approved~~, or if the proposed change is not subject to
89 a hearing and determination pursuant to subparagraphs 3. and 5.
90 and the proposed change is determined to be consistent with the
91 local comprehensive plan and land development regulations
92 ~~otherwise approved~~, the local government shall issue an
93 amendment to the development order incorporating the approved
94 change and conditions of approval relating to the change. The
95 decision of the local government to approve, with or without
96 conditions, or to deny a the proposed change ~~that the developer~~
97 ~~asserts does not require further review~~ shall be a quasi-
98 judicial decision reviewable by petition for certiorari to the
99 circuit court or pursuant to s. 163.3215, as appropriate ~~subject~~
100 ~~to the appeal provisions of s. 380.07.~~ However, the state land

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HOUSE AMENDMENT

Bill No. HB 539 CS

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101 planning agency may not appeal the local government decision if
102 it did not comply with subparagraph 4. The state land planning
103 agency may not appeal a change to a development order made
104 pursuant to subparagraph (e)1. or subparagraph (e)2. for
105 developments of regional impact approved after January 1, 1980,
106 unless the change would result in a significant impact to a
107 regionally significant archaeological, historical, or natural
108 resource not previously identified in the original development-
109 of-regional-impact review.

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111 ===== D I R E C T O R Y A M E N D M E N T =====

112 Remove line(s) 19 and 20, and insert:

113 Section 1. Paragraph (e) of subsection (2) and paragraphs
114 (a), (c), and (f) of subsection (19) of section 380.06, Florida
115 Statutes, are

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

117 Remove line(s) 14 and 15, and insert:

118 governing substantial deviation standards for changes creating
119 additional regional impact, the date of buildout of a
120 development, and proposed changes to previously approved
121 developments of regional impact; providing an effective date.