

Bill No. CS for CS for CS for SB 360

Barcode 921614

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 95, line 5-23, delete those lines

and insert:

(1) Any proposed development or redevelopment within an area designated for:

1. Urban infill development as designated in the comprehensive plan;

2. Urban redevelopment as designated in the comprehensive plan;

3. Downtown revitalization as designated in the comprehensive plan; or

4. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan,

is exempt from the provisions of this section. However, a municipality with a population of 7,500 or fewer may adopt an ordinance imposing a fee upon an applicant for purposes of reimbursing the municipality for the reasonable costs that the

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1 municipality may incur in reviewing any project which is
 2 exempt under this subparagraph. The municipality may use all
 3 or part of this fee to employ professional expertise to ensure
 4 that the impacts of such projects are properly evaluated.
 5 Municipalities adopting such ordinances may not impose a fee
 6 on a project in excess of its actual out-of-pocket reasonable
 7 review costs. A copy of such ordinance shall be transmitted to
 8 the state land planning agency and the applicable regional
 9 planning council.

10 (m) Any proposed development within a rural land
 11 stewardship area created pursuant to s. 163.3177(11)(d) is
 12 exempt from the provisions of this section.

13 Section 21. Section 380.115, Florida Statutes, is
 14 amended to read:

15 380.115 Vested rights and duties; effect of size
 16 reduction; changes in guidelines and standards ~~chs. 2002-20~~
 17 ~~and 2002-296.--~~

18 (1) A change in a development of regional impact
 19 guideline or standard does not abridge or modify ~~Nothing~~
 20 ~~contained in this act abridges or modifies~~ any vested or
 21 other right or any duty or obligation pursuant to any
 22 development order or agreement that is applicable to a
 23 development of regional impact ~~on the effective date of this~~
 24 ~~act.~~ A development that has received a
 25 development-of-regional-impact development order pursuant to
 26 s. 380.06, but would ~~is~~ no longer be required to undergo
 27 development-of-regional-impact review by operation of a change
 28 in the guidelines and standards or has reduced its size below
 29 the thresholds in s. 380.0651 ~~this act~~, shall be governed by
 30 the following procedures:

31 (a) The development shall continue to be governed by

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1 the development-of-regional-impact development order and may
 2 be completed in reliance upon and pursuant to the development
 3 order unless the developer or landowner has followed the
 4 procedures for rescission in paragraph (b). The
 5 development-of-regional-impact development order may be
 6 enforced by the local government as provided by ss. 380.06(17)
 7 and 380.11.

8 (b) If requested by the developer or landowner, the
 9 development-of-regional-impact development order shall ~~may~~ be
 10 rescinded by the local government with jurisdiction upon a
 11 showing by clear and convincing evidence that all required
 12 mitigation relating to the amount of development existing on
 13 the date of rescission has been completed ~~abandoned pursuant~~
 14 ~~to the process in s. 380.06(26)~~.

15 (2) A development with an application for development
 16 approval pending, and determined sufficient pursuant to s.
 17 380.06(10), on the effective date of a change to the
 18 guidelines and standards ~~this act~~, or a notification of
 19 proposed change pending on the effective date of a change to
 20 the guidelines and standards ~~this act~~, may elect to continue
 21 such review pursuant to s. 380.06. At the conclusion of the
 22 pending review, including any appeals pursuant to s. 380.07,
 23 the resulting development order shall be governed by the
 24 provisions of subsection (1).

25 (3) A landowner that has filed an application for a
 26 development of regional impact review prior to the adoption of
 27 an optional sector plan pursuant to s. 163.3245 may elect to
 28 have the application reviewed pursuant to s. 380.06,
 29 comprehensive plan provisions in force prior to adoption of
 30 the sector plan and any requested comprehensive plan
 31 amendments that accompany the application.

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(Redesignate subsequent sections.)

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

And the title is amended as follows:

 On page 5, line 19, delete that line

and insert:

 380.06, F.S.; providing additional exemptions
 from development of regional impact provisions
 for certain projects in proposed developments
 or redevelopments within an area designated in
 a comprehensive plan and for proposed
 developments within certain rural land
 stewardship areas; authorizing certain
 municipalities to adopt an ordinance imposing a
 fee on certain applicants for certain purposes;
 specifying fee uses; providing a limitation;
 amending s. 380.115, F.S.; revising provisions
 relating to preserving vested rights and duties
 under development of regional impact guidelines
 and standards; revising procedures and
 requirements for governance and rescission of
 development-of-regional-impact development
 orders under changing guidelines and standards;
 amending s.