

Bill No. CS for CS for SB 1020

Barcode 294664

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (11) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.--

(11) Prior to its effectiveness, an interlocal agreement and subsequent amendments thereto shall be filed with the clerk of the circuit court of each county where a party to the agreement is located. However, if the parties to the agreement are located in multiple counties and the agreement under subsection (7) provides for a separate legal entity or administrative entity to administer the agreement, the interlocal agreement and any amendments thereto may be filed with the clerk of the circuit court in the county where the legal or administrative entity maintains its principal place of business.

Section 2. Paragraph (g) of subsection (6) and

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1 paragraph (d) of subsection (11) of section 163.3177, Florida  
2 Statutes, are amended to read:

3           163.3177 Required and optional elements of  
4 comprehensive plan; studies and surveys.--

5           (6) In addition to the requirements of subsections  
6 (1)-(5) and (12), the comprehensive plan shall include the  
7 following elements:

8           (g)1. For those units of local government identified  
9 in s. 380.24, a coastal management element, appropriately  
10 related to the particular requirements of paragraphs (d) and  
11 (e) and meeting the requirements of s. 163.3178(2) and (3).  
12 The coastal management element shall set forth the policies  
13 that shall guide the local government's decisions and program  
14 implementation with respect to the following objectives:

15           ~~a.1.~~ Maintenance, restoration, and enhancement of the  
16 overall quality of the coastal zone environment, including,  
17 but not limited to, its amenities and aesthetic values.

18           ~~b.2.~~ Continued existence of viable populations of all  
19 species of wildlife and marine life.

20           ~~c.3.~~ The orderly and balanced utilization and  
21 preservation, consistent with sound conservation principles,  
22 of all living and nonliving coastal zone resources.

23           ~~d.4.~~ Avoidance of irreversible and irretrievable loss  
24 of coastal zone resources.

25           ~~e.5.~~ Ecological planning principles and assumptions to  
26 be used in the determination of suitability and extent of  
27 permitted development.

28           ~~f.6.~~ Proposed management and regulatory techniques.

29           ~~g.7.~~ Limitation of public expenditures that subsidize  
30 development in high-hazard coastal areas.

31           ~~h.8.~~ Protection of human life against the effects of

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1 natural disasters.

2 ~~i.9.~~ The orderly development, maintenance, and use of  
3 ports identified in s. 403.021(9) to facilitate deepwater  
4 commercial navigation and other related activities.

5 ~~j.10.~~ Preservation, including sensitive adaptive use  
6 of historic and archaeological resources.

7 2. As part of this element, a local government that  
8 has a coastal management element in its comprehensive plan is  
9 encouraged to adopt recreational surface water use policies  
10 that include applicable criteria for and consider such factors  
11 as natural resources, manatee protection needs, protection of  
12 working waterfronts and public access to the water, and  
13 recreation and economic demands. Criteria for manatee  
14 protection in the recreational surface water use policies  
15 should reflect applicable guidance outlined in the Boat  
16 Facility Siting Guide prepared by the Fish and Wildlife  
17 Conservation Commission. If the local government elects to  
18 adopt recreational surface water use policies by comprehensive  
19 plan amendment, such comprehensive plan amendment is exempt  
20 from the provisions of s. 163.3187(1). Local governments that  
21 wish to adopt recreational surface water use policies may be  
22 eligible for assistance with the development of such policies  
23 through the Florida Coastal Management Program. The Office of  
24 Program Policy Analysis and Government Accountability shall  
25 submit a report on the adoption of recreational surface water  
26 use policies under this subparagraph to the President of the  
27 Senate, the Speaker of the House of Representatives, and the  
28 majority and minority leaders of the Senate and the House of  
29 Representatives no later than December 1, 2010.

30 (11)

31 (d)1. The department, in cooperation with the

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1 Department of Agriculture and Consumer Services, the  
 2 Department of Environmental Protection, water management  
 3 districts, and regional planning councils, shall provide  
 4 assistance to local governments in the implementation of this  
 5 paragraph and rule 9J-5.006(5)(1), Florida Administrative  
 6 Code. Implementation of those provisions shall include a  
 7 process by which the department may authorize local  
 8 governments to designate all or portions of lands classified  
 9 in the future land use element as predominantly agricultural,  
 10 rural, open, open-rural, or a substantively equivalent land  
 11 use, as a rural land stewardship area within which planning  
 12 and economic incentives are applied to encourage the  
 13 implementation of innovative and flexible planning and  
 14 development strategies and creative land use planning  
 15 techniques, including those contained herein and in rule  
 16 9J-5.006(5)(1), Florida Administrative Code. Assistance may  
 17 include, but is not limited to:

18         a. Assistance from the Department of Environmental  
 19 Protection and water management districts in creating the  
 20 geographic information systems land cover database and aerial  
 21 photogrammetry needed to prepare for a rural land stewardship  
 22 area;

23         b. Support for local government implementation of  
 24 rural land stewardship concepts by providing information and  
 25 assistance to local governments regarding land acquisition  
 26 programs that may be used by the local government or  
 27 landowners to leverage the protection of greater acreage and  
 28 maximize the effectiveness of rural land stewardship areas;  
 29 and

30         c. Expansion of the role of the Department of  
 31 Community Affairs as a resource agency to facilitate

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1 establishment of rural land stewardship areas in smaller rural  
2 counties that do not have the staff or planning budgets to  
3 create a rural land stewardship area.

4           2. The department shall encourage participation by  
5 local governments of different sizes and rural characteristics  
6 in establishing and implementing rural land stewardship areas.  
7 It is the intent of the Legislature that rural land  
8 stewardship areas be used to further the following broad  
9 principles of rural sustainability: restoration and  
10 maintenance of the economic value of rural land; control of  
11 urban sprawl; identification and protection of ecosystems,  
12 habitats, and natural resources; promotion of rural economic  
13 activity; maintenance of the viability of Florida's  
14 agricultural economy; and protection of the character of rural  
15 areas of Florida. Rural land stewardship areas may be  
16 multicounty in order to encourage coordinated regional  
17 stewardship planning.

18           3. A local government, in conjunction with a regional  
19 planning council, a stakeholder organization of private land  
20 owners, or another local government, shall notify the  
21 department in writing of its intent to designate a rural land  
22 stewardship area. The written notification shall describe the  
23 basis for the designation, including the extent to which the  
24 rural land stewardship area enhances rural land values,  
25 controls urban sprawl, provides necessary open space for  
26 agriculture and protection of the natural environment,  
27 promotes rural economic activity, and maintains rural  
28 character and the economic viability of agriculture.

29           4. A rural land stewardship area shall be not less  
30 than 10,000 acres and shall be located outside of  
31 municipalities and established urban growth boundaries, and

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1 shall be designated by plan amendment. The plan amendment  
2 designating a rural land stewardship area shall be subject to  
3 review by the Department of Community Affairs pursuant to s.  
4 163.3184 and shall provide for the following:

5       a. Criteria for the designation of receiving areas  
6 within rural land stewardship areas in which innovative  
7 planning and development strategies may be applied. Criteria  
8 shall at a minimum provide for the following: adequacy of  
9 suitable land to accommodate development so as to avoid  
10 conflict with environmentally sensitive areas, resources, and  
11 habitats; compatibility between and transition from higher  
12 density uses to lower intensity rural uses; the establishment  
13 of receiving area service boundaries which provide for a  
14 separation between receiving areas and other land uses within  
15 the rural land stewardship area through limitations on the  
16 extension of services; and connection of receiving areas with  
17 the rest of the rural land stewardship area using rural design  
18 and rural road corridors.

19       b. Goals, objectives, and policies setting forth the  
20 innovative planning and development strategies to be applied  
21 within rural land stewardship areas pursuant to the provisions  
22 of this section.

23       c. A process for the implementation of innovative  
24 planning and development strategies within the rural land  
25 stewardship area, including those described in this subsection  
26 and rule 9J-5.006(5)(1), Florida Administrative Code, which  
27 provide for a functional mix of land uses, including adequate  
28 available workforce housing, including low, very-low and  
29 moderate income housing for the development anticipated in the  
30 receiving area and which are applied through the adoption by  
31 the local government of zoning and land development

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1 regulations applicable to the rural land stewardship area.

2 d. A process which encourages visioning pursuant to s.  
3 163.3167(11) to ensure that innovative planning and  
4 development strategies comply with the provisions of this  
5 section.

6 e. The control of sprawl through the use of innovative  
7 strategies and creative land use techniques consistent with  
8 the provisions of this subsection and rule 9J-5.006(5)(1),  
9 Florida Administrative Code.

10 5. A receiving area shall be designated by the  
11 adoption of a land development regulation. Prior to the  
12 designation of a receiving area, the local government shall  
13 provide the Department of Community Affairs a period of 30  
14 days in which to review a proposed receiving area for  
15 consistency with the rural land stewardship area plan  
16 amendment and to provide comments to the local government. At  
17 the time of designation of a stewardship receiving area, a  
18 listed species survey will be performed. If listed species  
19 occur on the receiving area site, the developer shall  
20 coordinate with each appropriate local, state, or federal  
21 agency to determine if adequate provisions have been made to  
22 protect those species in accordance with applicable  
23 regulations. In determining the adequacy of provisions for the  
24 protection of listed species and their habitats, the rural  
25 land stewardship area shall be considered as a whole, and the  
26 impacts to areas to be developed as receiving areas shall be  
27 considered together with the environmental benefits of areas  
28 protected as sending areas in fulfilling this criteria.

29 6. Upon the adoption of a plan amendment creating a  
30 rural land stewardship area, the local government shall, by  
31 ordinance, establish the methodology for the creation,

1 conveyance, and use of transferable rural land use credits,  
 2 otherwise referred to as stewardship credits, the application  
 3 of which shall not constitute a right to develop land, nor  
 4 increase density of land, except as provided by this section.  
 5 The total amount of transferable rural land use credits within  
 6 the rural land stewardship area must enable the realization of  
 7 the long-term vision and goals for the 25-year or greater  
 8 projected population of the rural land stewardship area, which  
 9 may take into consideration the anticipated effect of the  
 10 proposed receiving areas. Transferable rural land use credits  
 11 are subject to the following limitations:

12         a. Transferable rural land use credits may only exist  
 13 within a rural land stewardship area.

14         b. Transferable rural land use credits may only be  
 15 used on lands designated as receiving areas and then solely  
 16 for the purpose of implementing innovative planning and  
 17 development strategies and creative land use planning  
 18 techniques adopted by the local government pursuant to this  
 19 section.

20         c. Transferable rural land use credits assigned to a  
 21 parcel of land within a rural land stewardship area shall  
 22 cease to exist if the parcel of land is removed from the rural  
 23 land stewardship area by plan amendment.

24         d. Neither the creation of the rural land stewardship  
 25 area by plan amendment nor the assignment of transferable  
 26 rural land use credits by the local government shall operate  
 27 to displace the underlying density of land uses assigned to a  
 28 parcel of land within the rural land stewardship area;  
 29 however, if transferable rural land use credits are  
 30 transferred from a parcel for use within a designated  
 31 receiving area, the underlying density assigned to the parcel



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1 of land shall cease to exist.

2 e. The underlying density on each parcel of land  
3 located within a rural land stewardship area shall not be  
4 increased or decreased by the local government, except as a  
5 result of the conveyance or use of transferable rural land use  
6 credits, as long as the parcel remains within the rural land  
7 stewardship area.

8 f. Transferable rural land use credits shall cease to  
9 exist on a parcel of land where the underlying density  
10 assigned to the parcel of land is utilized.

11 g. An increase in the density of use on a parcel of  
12 land located within a designated receiving area may occur only  
13 through the assignment or use of transferable rural land use  
14 credits and shall not require a plan amendment.

15 h. A change in the density of land use on parcels  
16 located within receiving areas shall be specified in a  
17 development order which reflects the total number of  
18 transferable rural land use credits assigned to the parcel of  
19 land and the infrastructure and support services necessary to  
20 provide for a functional mix of land uses corresponding to the  
21 plan of development.

22 i. Land within a rural land stewardship area may be  
23 removed from the rural land stewardship area through a plan  
24 amendment.

25 j. Transferable rural land use credits may be assigned  
26 at different ratios of credits per acre according to the  
27 natural resource or other beneficial use characteristics of  
28 the land and according to the land use remaining following the  
29 transfer of credits, with the highest number of credits per  
30 acre assigned to the most environmentally valuable land or, in  
31 locations where the retention of open space and agricultural

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1 land is a priority, to such lands.

2 k. The use or conveyance of transferable rural land  
3 use credits must be recorded in the public records of the  
4 county in which the property is located as a covenant or  
5 restrictive easement running with the land in favor of the  
6 county and either the Department of Environmental Protection,  
7 Department of Agriculture and Consumer Services, a water  
8 management district, or a recognized statewide land trust.

9 7. Owners of land within rural land stewardship areas  
10 should be provided incentives to enter into rural land  
11 stewardship agreements, pursuant to existing law and rules  
12 adopted thereto, with state agencies, water management  
13 districts, and local governments to achieve mutually agreed  
14 upon conservation objectives. Such incentives may include, but  
15 not be limited to, the following:

16 a. Opportunity to accumulate transferable mitigation  
17 credits.

18 b. Extended permit agreements.

19 c. Opportunities for recreational leases and  
20 ecotourism.

21 d. Payment for specified land management services on  
22 publicly owned land, or property under covenant or restricted  
23 easement in favor of a public entity.

24 e. Option agreements for sale to public entities or  
25 private land conservation entities, in either fee or easement,  
26 upon achievement of conservation objectives.

27 8. The department shall report to the Legislature on  
28 an annual basis on the results of implementation of rural land  
29 stewardship areas authorized by the department, including  
30 successes and failures in achieving the intent of the  
31 Legislature as expressed in this paragraph.

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1 Section 3. Paragraph (a) of subsection (12) of section  
2 163.3180, Florida Statutes, is amended to read:

3 163.3180 Concurrency.--

4 (12) When authorized by a local comprehensive plan, a  
5 multiuse development of regional impact may satisfy the  
6 transportation concurrency requirements of the local  
7 comprehensive plan, the local government's concurrency  
8 management system, and s. 380.06 by payment of a  
9 proportionate-share contribution for local and regionally  
10 significant traffic impacts, if:

11 (a) The development of regional impact meets or  
12 exceeds the guidelines and standards of s. 380.0651(3)(~~h~~)(~~i~~)  
13 and rule 28-24.032(2), Florida Administrative Code, and  
14 includes a residential component that contains at least 100  
15 residential dwelling units or 15 percent of the applicable  
16 residential guideline and standard, whichever is greater;

17  
18 The proportionate-share contribution may be applied to any  
19 transportation facility to satisfy the provisions of this  
20 subsection and the local comprehensive plan, but, for the  
21 purposes of this subsection, the amount of the  
22 proportionate-share contribution shall be calculated based  
23 upon the cumulative number of trips from the proposed  
24 development expected to reach roadways during the peak hour  
25 from the complete buildout of a stage or phase being approved,  
26 divided by the change in the peak hour maximum service volume  
27 of roadways resulting from construction of an improvement  
28 necessary to maintain the adopted level of service, multiplied  
29 by the construction cost, at the time of developer payment, of  
30 the improvement necessary to maintain the adopted level of  
31 service. For purposes of this subsection, "construction cost"

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1 includes all associated costs of the improvement.

2 Section 4. Subsection (3) of section 197.303, Florida  
3 Statutes, is amended to read:

4 197.303 Ad valorem tax deferral for recreational and  
5 commercial working waterfront properties.--

6 (3) The ordinance shall designate the percentage or  
7 amount of the deferral and the type and location of working  
8 waterfront property, including the type of public lodging  
9 establishments, for which deferrals may be granted, which may  
10 include any property meeting the provisions of s. 342.07(2),  
11 which property may be further required to be located within a  
12 particular geographic area or areas of the county or  
13 municipality.

14 Section 5. Section 336.68, Florida Statutes, is  
15 created to read:

16 336.68 Special road and bridge district boundaries;  
17 property owner rights and options.--

18 (1) The owner of real property located within both the  
19 boundaries of a community development district created under  
20 chapter 190 and within the boundaries of a special road and  
21 bridge district created by the alternative method of  
22 establishing special road and bridge districts previously  
23 authorized under ss. 336.61-336.67 shall have the option to  
24 select the community development district to be the provider  
25 of the road and drainage improvements to the property of the  
26 owner. Having made the selection, the property owner shall  
27 further have the right to withdraw the property from the  
28 boundaries of the special road and bridge district under the  
29 procedures set forth in this section.

30 (2) To be eligible for withdrawal, the subject  
31 property shall not have received improvements or benefits from

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1 the special road and bridge district; there shall be no  
 2 outstanding bonded indebtedness of the special road and bridge  
 3 district for which the property is subject to ad valorem tax  
 4 levies; and the withdrawal of the property shall not create an  
 5 enclave bounded on all sides by the other property within the  
 6 boundaries of the district when the property owner withdraws  
 7 the property from the boundaries of the district.

8       (3) The election by a property owner to withdraw  
 9 property from the boundaries of a district as described in  
 10 this section shall be accomplished by filing a certificate in  
 11 the official records of the county in which the property is  
 12 located. The certificate shall identify the name and mailing  
 13 address of the owner, the legal description of the property,  
 14 the name of the district from which the property is being  
 15 withdrawn, and the general location of the property within  
 16 district. The certificate shall further state that the  
 17 property has not received benefits from the district from  
 18 which the property is to be withdrawn; that there is no bonded  
 19 indebtedness owed by the district; and that the property being  
 20 withdrawn will not become an enclave within the district  
 21 boundaries.

22       (4) The property owner shall provide copies of the  
 23 recorded certificate to the governing body of the district  
 24 from which the property is being withdrawn within days 10 days  
 25 after the date that the certificate is recorded. If the  
 26 district does not record an objection to the withdrawal of the  
 27 property in the public records within 30 days after the  
 28 recording of the certificate identifying the criteria in this  
 29 section that has not been met, the withdrawal shall be final  
 30 and the property shall be permanently withdrawn from the  
 31 boundaries of the district.

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1 Section 6. Section 342.07, Florida Statutes, is  
2 amended to read:

3 342.07 Recreational and commercial working  
4 waterfronts; legislative findings; definitions.--

5 (1) The Legislature recognizes that there is an  
6 important state interest in facilitating boating and other  
7 recreational access to the state's navigable waters. This  
8 access is vital to tourists and recreational users and the  
9 marine industry in the state, to maintaining or enhancing the  
10 \$57 billion economic impact of tourism and the \$14 billion  
11 economic impact of boating in the state annually, and to  
12 ensuring continued access to all residents and visitors to the  
13 navigable waters of the state. The Legislature recognizes that  
14 there is an important state interest in maintaining viable  
15 water-dependent support facilities, such as public lodging  
16 establishments and boat hauling and repairing and commercial  
17 fishing facilities, and in maintaining the availability of  
18 public access to the navigable waters of the state. The  
19 Legislature further recognizes that the waterways of the state  
20 are important for engaging in commerce and the transportation  
21 of goods and people upon such waterways and that such commerce  
22 and transportation is not feasible unless there is access to  
23 and from the navigable waters of the state through  
24 recreational and commercial working waterfronts.

25 (2) As used in this section, the term "recreational  
26 and commercial working waterfront" means a parcel or parcels  
27 of real property that provide access for water-dependent  
28 commercial activities, including hotels and motels as defined  
29 in s. 509.242(1), or provide access for the public to the  
30 navigable waters of the state. Recreational and commercial  
31 working waterfronts require direct access to or a location on,

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1 over, or adjacent to a navigable body of water. The term  
 2 includes water-dependent facilities that are open to the  
 3 public and offer public access by vessels to the waters of the  
 4 state or that are support facilities for recreational,  
 5 commercial, research, or governmental vessels. These  
 6 facilities include public lodging establishments, docks,  
 7 wharfs, lifts, wet and dry marinas, boat ramps, boat hauling  
 8 and repair facilities, commercial fishing facilities, boat  
 9 construction facilities, and other support structures over the  
 10 water. As used in this section, the term "vessel" has the same  
 11 meaning as in s. 327.02(37). Seaports are excluded from the  
 12 definition.

13 Section 7. Section 373.4132, Florida Statutes, is  
 14 created to read:

15 373.4132 Dry storage facility permitting.--The  
 16 governing board or the department shall require a permit under  
 17 this part, including s. 373.4145, for the construction,  
 18 alteration, operation, maintenance, abandonment, or removal of  
 19 a dry storage facility for 10 or more vessels that is  
 20 functionally associated with a boat launching area. As part of  
 21 an applicant's demonstration that such a facility will not be  
 22 harmful to the water resources and will not be inconsistent  
 23 with the overall objectives of the district, the governing  
 24 board or department shall require the applicant to provide  
 25 reasonable assurance that the secondary impacts from the  
 26 facility will not cause adverse impacts to the functions of  
 27 wetlands and surface waters, including violations of state  
 28 water quality standards applicable to waters as defined in s.  
 29 403.031(13), and will meet the public interest test of s.  
 30 373.414(1)(a), including the potential adverse impacts to  
 31 manatees. Nothing in this section shall affect the authority

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1 of the governing board or the department to regulate such  
2 secondary impacts under this part for other regulated  
3 activities.

4 Section 8. Paragraph (d) of subsection (2), paragraphs  
5 (a) and (i) of subsection (4), and subsections (15), (19),  
6 (24), and (26) of section 380.06, Florida Statutes, are  
7 amended, and subsection (28) is added to that section, to  
8 read:

9 380.06 Developments of regional impact.--

10 (2) STATEWIDE GUIDELINES AND STANDARDS.--

11 (d) The guidelines and standards shall be applied as  
12 follows:

13 1. Fixed thresholds.--

14 a. A development that is below 100 percent of all  
15 numerical thresholds in the guidelines and standards shall not  
16 be required to undergo development-of-regional-impact review.

17 b. A development that is at or above 120 percent of  
18 any numerical threshold shall be required to undergo  
19 development-of-regional-impact review.

20 c. Projects certified under s. 403.973 which create at  
21 least 100 jobs and meet the criteria of the Office of Tourism,  
22 Trade, and Economic Development as to their impact on an  
23 area's economy, employment, and prevailing wage and skill  
24 levels that are at or below 100 percent of the numerical  
25 thresholds for industrial plants, industrial parks,  
26 distribution, warehousing or wholesaling facilities, office  
27 development or multiuse projects other than residential, as  
28 described in s. 380.0651(3)(c), (d), and ~~(h)(i)~~, are not  
29 required to undergo development-of-regional-impact review.

30 2. Rebuttable presumption.--It shall be presumed that  
31 a development that is at 100 percent or between 100 and 120



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1 percent of a numerical threshold shall be required to undergo  
2 development-of-regional-impact review.

3 (4) BINDING LETTER.--

4 (a) If any developer is in doubt whether his or her  
5 proposed development must undergo  
6 development-of-regional-impact review under the guidelines and  
7 standards, whether his or her rights have vested pursuant to  
8 subsection (20), or whether a proposed substantial change to a  
9 development of regional impact concerning which rights had  
10 previously vested pursuant to subsection (20) would divest  
11 such rights, the developer may request a determination from  
12 the state land planning agency. The developer or the  
13 appropriate local government having jurisdiction may request  
14 that the state land planning agency determine whether the  
15 amount of development that remains to be built in an approved  
16 development of regional impact meets the criteria of  
17 subparagraph (15)(g)3.

18 (i) In response to an inquiry from a developer or the  
19 appropriate local government having jurisdiction, the state  
20 land planning agency may issue an informal determination in  
21 the form of a clearance letter as to whether a development is  
22 required to undergo development-of-regional-impact review or  
23 whether the amount of development that remains to be built in  
24 an approved development of regional impact meets the criteria  
25 of subparagraph (15)(g)3. A clearance letter may be based  
26 solely on the information provided by the developer, and the  
27 state land planning agency is not required to conduct an  
28 investigation of that information. If any material information  
29 provided by the developer is incomplete or inaccurate, the  
30 clearance letter is not binding upon the state land planning  
31 agency. A clearance letter does not constitute final agency

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1 action.

2 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

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

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

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

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

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

22 3. Shall establish a date until which the local  
23 government agrees that the approved development of regional  
24 impact shall not be subject to downzoning, unit density  
25 reduction, or intensity reduction, unless the local government  
26 can demonstrate that substantial changes in the conditions  
27 underlying the approval of the development order have occurred  
28 or the development order was based on substantially inaccurate  
29 information provided by the developer or that the change is  
30 clearly established by local government to be essential to the  
31 public health, safety, or welfare. The date established

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1 pursuant to this subparagraph shall be no sooner than the  
2 buildout date of the project.

3           4. Shall specify the requirements for the biennial  
4 report designated under subsection (18), including the date of  
5 submission, parties to whom the report is submitted, and  
6 contents of the report, based upon the rules adopted by the  
7 state land planning agency. Such rules shall specify the scope  
8 of any additional local requirements that may be necessary for  
9 the report.

10           5. May specify the types of changes to the development  
11 which shall require submission for a substantial deviation  
12 determination or a notice of proposed change under subsection  
13 (19).

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

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

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

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

30           3. Any funds or lands contributed must be expressly  
31 designated and used to mitigate impacts reasonably

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1 attributable to the proposed development.

2           4. Construction or expansion of a public facility by a  
3 nongovernmental developer as a condition of a development  
4 order to mitigate the impacts reasonably attributable to the  
5 proposed development is not subject to competitive bidding or  
6 competitive negotiation for selection of a contractor or  
7 design professional for any part of the construction or design  
8 ~~unless required by the local government that issues the~~  
9 ~~development order.~~

10           (e)1. ~~Effective July 1, 1986,~~ A local government shall  
11 not include, as a development order condition for a  
12 development of regional impact, any requirement that a  
13 developer contribute or pay for land acquisition or  
14 construction or expansion of public facilities or portions  
15 thereof unless the local government has enacted a local  
16 ordinance which requires other development not subject to this  
17 section to contribute its proportionate share of the funds,  
18 land, or public facilities necessary to accommodate any  
19 impacts having a rational nexus to the proposed development,  
20 and the need to construct new facilities or add to the present  
21 system of public facilities must be reasonably attributable to  
22 the proposed development.

23           2. A local government shall not approve a development  
24 of regional impact that does not make adequate provision for  
25 the public facilities needed to accommodate the impacts of the  
26 proposed development unless the local government includes in  
27 the development order a commitment by the local government to  
28 provide these facilities consistently with the development  
29 schedule approved in the development order; however, a local  
30 government's failure to meet the requirements of subparagraph  
31 1. and this subparagraph shall not preclude the issuance of a

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1 development order where adequate provision is made by the  
 2 developer for the public facilities needed to accommodate the  
 3 impacts of the proposed development. Any funds or lands  
 4 contributed by a developer must be expressly designated and  
 5 used to accommodate impacts reasonably attributable to the  
 6 proposed development.

7           3. The Department of Community Affairs and other state  
 8 and regional agencies involved in the administration and  
 9 implementation of this act shall cooperate and work with units  
 10 of local government in preparing and adopting local impact fee  
 11 and other contribution ordinances.

12           (f) Notice of the adoption of a development order or  
 13 the subsequent amendments to an adopted development order  
 14 shall be recorded by the developer, in accordance with s.  
 15 28.222, with the clerk of the circuit court for each county in  
 16 which the development is located. The notice shall include a  
 17 legal description of the property covered by the order and  
 18 shall state which unit of local government adopted the  
 19 development order, the date of adoption, the date of adoption  
 20 of any amendments to the development order, the location where  
 21 the adopted order with any amendments may be examined, and  
 22 that the development order constitutes a land development  
 23 regulation applicable to the property. The recording of this  
 24 notice shall not constitute a lien, cloud, or encumbrance on  
 25 real property, or actual or constructive notice of any such  
 26 lien, cloud, or encumbrance. This paragraph applies only to  
 27 developments initially approved under this section after July  
 28 1, 1980.

29           (g) A local government shall not issue permits for  
 30 development subsequent to the buildout ~~termination date or~~  
 31 ~~expiration~~ date contained in the development order unless:

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1           1. The proposed development has been evaluated  
2 cumulatively with existing development under the substantial  
3 deviation provisions of subsection (19) subsequent to the  
4 termination or expiration date;

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

8           3. The development of regional impact is essentially  
9 built out, in that all the mitigation requirements in the  
10 development order have been satisfied, all developers are in  
11 compliance with all applicable terms and conditions of the  
12 development order except the buildout date, and the amount of  
13 proposed development that remains to be built is less than 20  
14 percent of any applicable development-of-regional-impact  
15 threshold; or

16           ~~4.3.~~ The project has been determined to be an  
17 essentially built-out development of regional impact through  
18 an agreement executed by the developer, the state land  
19 planning agency, and the local government, in accordance with  
20 s. 380.032, which will establish the terms and conditions  
21 under which the development may be continued. If the project  
22 is determined to be essentially built out ~~built-out~~,  
23 development may proceed pursuant to the s. 380.032 agreement  
24 after the termination or expiration date contained in the  
25 development order without further  
26 development-of-regional-impact review subject to the local  
27 government comprehensive plan and land development regulations  
28 or subject to a modified development-of-regional-impact  
29 analysis. As used in this paragraph, an "essentially  
30 built-out" development of regional impact means:

31           a. The developers are ~~development is~~ in compliance

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1 with all applicable terms and conditions of the development  
2 order except the buildout ~~built-out~~ date; and

3           b.(I) The amount of development that remains to be  
4 built is less than the substantial deviation threshold  
5 specified in paragraph (19)(b) for each individual land use  
6 category, or, for a multiuse development, the sum total of all  
7 unbuilt land uses as a percentage of the applicable  
8 substantial deviation threshold is equal to or less than 100  
9 percent; or

10           (II) The state land planning agency and the local  
11 government have agreed in writing that the amount of  
12 development to be built does not create the likelihood of any  
13 additional regional impact not previously reviewed.

14  
15 The single-family residential portions of a development may be  
16 considered "essentially built out" if all of the workforce  
17 housing obligations and all of the infrastructure and  
18 horizontal development have been completed, at least 50  
19 percent of the dwelling units have been completed, and more  
20 than 80 percent of the lots have been conveyed to third-party  
21 individual lot owners or to individual builders who own no  
22 more than 40 lots at the time of the determination. The mobile  
23 home park portions of a development may be considered  
24 "essentially built out" if all the infrastructure and  
25 horizontal development has been completed, and at least 50  
26 percent of the lots are leased to individual mobile home  
27 owners.

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

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1 (19) SUBSTANTIAL DEVIATIONS.--

2 (a) Any proposed change to a previously approved  
3 development which creates a reasonable likelihood of  
4 additional regional impact, or any type of regional impact  
5 created by the change not previously reviewed by the regional  
6 planning agency, shall constitute a substantial deviation and  
7 shall cause the proposed change ~~development~~ to be subject to  
8 further development-of-regional-impact review. There are a  
9 variety of reasons why a developer may wish to propose changes  
10 to an approved development of regional impact, including  
11 changed market conditions. The procedures set forth in this  
12 subsection are for that purpose.

13 (b) Any proposed change to a previously approved  
14 development of regional impact or development order condition  
15 which, either individually or cumulatively with other changes,  
16 exceeds any of the following criteria shall constitute a  
17 substantial deviation and shall cause the development to be  
18 subject to further development-of-regional-impact review  
19 without the necessity for a finding of same by the local  
20 government:

21 1. An increase in the number of parking spaces at an  
22 attraction or recreational facility by 10 5 percent or 330 ~~300~~  
23 spaces, whichever is greater, or an increase in the number of  
24 spectators that may be accommodated at such a facility by 10 5  
25 percent or 1,100 ~~1,000~~ spectators, whichever is greater.

26 2. A new runway, a new terminal facility, a 25-percent  
27 lengthening of an existing runway, or a 25-percent increase in  
28 the number of gates of an existing terminal, but only if the  
29 increase adds at least three additional gates.

30 ~~3. An increase in the number of hospital beds by 5~~  
31 ~~percent or 60 beds, whichever is greater.~~



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1           ~~3.4.~~ An increase in industrial development area by 10  
2 5-percent or 35 ~~32~~ acres, whichever is greater.

3           ~~4.5.~~ An increase in the average annual acreage mined  
4 by 10 5 percent or 11 ~~10~~ acres, whichever is greater, or an  
5 increase in the average daily water consumption by a mining  
6 operation by 10 5 percent or 330,000 ~~300,000~~ gallons,  
7 whichever is greater. A net ~~An~~ increase in the size of the  
8 mine by 10 5 percent or 825 ~~750~~ acres, whichever is less. For  
9 purposes of calculating any net increases in size, only  
10 additions and deletions of lands that have not been mined  
11 shall be considered. An increase in the size of a heavy  
12 mineral mine as defined in s. 378.403(7) will only constitute  
13 a substantial deviation if the average annual acreage mined is  
14 more than 550 ~~500~~ acres and consumes more than 3.3 ~~3~~ million  
15 gallons of water per day.

16           ~~5.6.~~ An increase in land area for office development  
17 by 10 5 percent or an increase of gross floor area of office  
18 development by 10 5 percent or 66,000 ~~60,000~~ gross square  
19 feet, whichever is greater.

20           ~~7.~~ ~~An increase in the storage capacity for chemical or~~  
21 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~  
22 ~~7 million pounds, whichever is greater.~~

23           ~~8.~~ ~~An increase of development at a waterport of wet~~  
24 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~  
25 ~~wet/dry storage for 60 watercraft in an area identified in the~~  
26 ~~state marina siting plan as an appropriate site for additional~~  
27 ~~waterport development or a 5-percent increase in watercraft~~  
28 ~~storage capacity, whichever is greater.~~

29           ~~6.9.~~ An increase in the number of dwelling units by 10  
30 5 percent or 55 ~~50~~ dwelling units, whichever is greater.

31           7. An increase in the number of dwelling units by 50

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1 percent or 200 units, whichever is greater, provided that 15  
2 percent of the proposed additional dwelling units are  
3 dedicated to affordable workforce housing, subject to a  
4 recorded land use restriction that shall be for a period of  
5 not less than 20 years and that includes resale provisions to  
6 ensure long-term affordability for income-eligible homeowners  
7 and renters and provisions for the workforce housing to be  
8 commenced prior to the completion of 50 percent of the market  
9 rate dwelling. For purposes of this subparagraph, the term  
10 "affordable workforce housing" means housing that is  
11 affordable to a person who earns less than 120 percent of the  
12 area median income, or less than 140 percent of the area  
13 median income if located in a county in which the median  
14 purchase price for a single-family existing home exceeds the  
15 statewide median purchase price of a single-family existing  
16 home. For purposes of this subparagraph, the term "statewide  
17 median purchase price of a single-family existing home" means  
18 the statewide purchase price as determined in the Florida  
19 Sales Report, Single-Family Existing Homes, released each  
20 January by the Florida Association of Realtors and the  
21 University of Florida Real Estate Research Center.

22 ~~8.10.~~ An increase in commercial development by 55,000  
23 ~~50,000~~ square feet of gross floor area or of parking spaces  
24 provided for customers for 330 ~~300~~ cars or a 10-percent  
25 ~~5-percent~~ increase of either of these, whichever is greater.

26 ~~9.11.~~ An increase in hotel or motel rooms ~~facility~~  
27 ~~units~~ by 10 ~~5~~ percent or 83 rooms ~~75-units~~, whichever is  
28 greater.

29 ~~10.12.~~ An increase in a recreational vehicle park area  
30 by 10 ~~5~~ percent or 110 ~~100~~ vehicle spaces, whichever is less.

31 ~~11.13.~~ A decrease in the area set aside for open space

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1 of 5 percent or 20 acres, whichever is less.

2 ~~12.14.~~ A proposed increase to an approved multiuse  
3 development of regional impact where the sum of the increases  
4 of each land use as a percentage of the applicable substantial  
5 deviation criteria is equal to or exceeds 110 ~~100~~ percent. The  
6 percentage of any decrease in the amount of open space shall  
7 be treated as an increase for purposes of determining when 110  
8 ~~100~~ percent has been reached or exceeded.

9 ~~13.15.~~ A 15-percent increase in the number of external  
10 vehicle trips generated by the development above that which  
11 was projected during the original  
12 development-of-regional-impact review.

13 ~~14.16.~~ Any change which would result in development of  
14 any area which was specifically set aside in the application  
15 for development approval or in the development order for  
16 preservation or special protection of endangered or threatened  
17 plants or animals designated as endangered, threatened, or  
18 species of special concern and their habitat, any species  
19 protected by 16 U.S.C. s. 668a-668d, primary dunes, or  
20 archaeological and historical sites designated as significant  
21 by the Division of Historical Resources of the Department of  
22 State. The ~~further~~ refinement of the boundaries and  
23 configuration of such areas ~~by survey~~ shall be considered  
24 under sub-subparagraph(e)2.j. ~~(e)5.b.~~

25  
26 The substantial deviation numerical standards in subparagraphs  
27 3., 5., 8., 9., and 12. ~~4., 6., 10., 14.,~~ excluding  
28 residential uses, and in subparagraph 13. ~~15.,~~ are increased  
29 by 100 percent for a project certified under s. 403.973 which  
30 creates jobs and meets criteria established by the Office of  
31 Tourism, Trade, and Economic Development as to its impact on

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1 an area's economy, employment, and prevailing wage and skill  
 2 levels. The substantial deviation numerical standards in  
 3 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. ~~4., 6., 9.,~~  
 4 ~~10., 11., and 14.~~ are increased by 50 percent for a project  
 5 located wholly within an urban infill and redevelopment area  
 6 designated on the applicable adopted local comprehensive plan  
 7 future land use map and not located within the coastal high  
 8 hazard area.

9 (c) An extension of the date of buildout of a  
 10 development, or any phase thereof, by more than 7 ~~or more~~  
 11 years shall be presumed to create a substantial deviation  
 12 subject to further development-of-regional-impact review. An  
 13 extension of the date of buildout, or any phase thereof, of  
 14 more than 5 years ~~or more~~ but not more ~~less~~ than 7 years shall  
 15 be presumed not to create a substantial deviation. The  
 16 extension of the date of buildout of an areawide development  
 17 of regional impact by more than 5 years but less than 10 years  
 18 is presumed not to create a substantial deviation. These  
 19 presumptions may be rebutted by clear and convincing evidence  
 20 at the public hearing held by the local government. An  
 21 extension of 5 years or less ~~than 5 years~~ is not a substantial  
 22 deviation. For the purpose of calculating when a buildout or  
 23 ~~phase, or termination~~ date has been exceeded, the time shall  
 24 be tolled during the pendency of administrative or judicial  
 25 proceedings relating to development permits. Any extension of  
 26 the buildout date of a project or a phase thereof shall  
 27 automatically extend the commencement date of the project, the  
 28 termination date of the development order, the expiration date  
 29 of the development of regional impact, and the phases thereof,  
 30 if applicable, by a like period of time.

31 (d) A change in the plan of development of an approved

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1 development of regional impact resulting from requirements  
 2 imposed by the Department of Environmental Protection or any  
 3 water management district created by s. 373.069 or any of  
 4 their successor agencies or by any appropriate federal  
 5 regulatory agency shall be submitted to the local government  
 6 pursuant to this subsection. The change shall be presumed not  
 7 to create a substantial deviation subject to further  
 8 development-of-regional-impact review. The presumption may be  
 9 rebutted by clear and convincing evidence at the public  
 10 hearing held by the local government.

11 (e)1. Except for a development order rendered pursuant  
 12 to subsection (22) or subsection (25), a proposed change to a  
 13 development order that individually or cumulatively with any  
 14 previous change is less than any numerical criterion contained  
 15 in subparagraphs (b)1.-13. ~~(b)1.-15.~~ and does not exceed any  
 16 other criterion, or that involves an extension of the buildout  
 17 date of a development, or any phase thereof, of less than 5  
 18 years is not subject to the public hearing requirements of  
 19 subparagraph (f)3., and is not subject to a determination  
 20 pursuant to subparagraph (f)5. Notice of the proposed change  
 21 shall be made to the regional planning council and the state  
 22 land planning agency. Such notice shall include a description  
 23 of previous individual changes made to the development,  
 24 including changes previously approved by the local government,  
 25 and shall include appropriate amendments to the development  
 26 order.

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

29 a. Changes in the name of the project, developer,  
 30 owner, or monitoring official.

31 b. Changes to a setback that do not affect noise

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1 buffers, environmental protection or mitigation areas, or  
2 archaeological or historical resources.

3 c. Changes to minimum lot sizes.

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

6 e. Changes to the building design or orientation that  
7 stay approximately within the approved area designated for  
8 such building and parking lot, and which do not affect  
9 historical buildings designated as significant by the Division  
10 of Historical Resources of the Department of State.

11 f. Changes to increase the acreage in the development,  
12 provided that no development is proposed on the acreage to be  
13 added.

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

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

19 i. Any renovation or redevelopment of development  
20 within a previously approved development of regional impact  
21 which does not change land use or increase density or  
22 intensity of use.

23 j. Changes that modify boundaries and configuration of  
24 areas described in subparagraph (b)14. due to science-based  
25 refinement of such areas by survey, by habitat evaluation, by  
26 other recognized assessment methodology, or by an  
27 environmental assessment. In order for changes to qualify  
28 under this sub-subparagraph, the survey, habitat evaluation,  
29 or assessment must occur prior to the time a conservation  
30 easement protecting such lands is recorded and must not result  
31 in any net decrease in the total acreage of the lands

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1 specifically set aside for permanent preservation in the final  
2 development order.

3 k.j. Any other change which the state land planning  
4 agency, in consultation with the regional planning council,  
5 agrees in writing is similar in nature, impact, or character  
6 to the changes enumerated in sub-subparagraphs a.-j. ~~a.-i.~~ and  
7 which does not create the likelihood of any additional  
8 regional impact.

9  
10 This subsection does not require the filing of a notice of  
11 proposed change but shall require an application to the local  
12 government to amend the development order in accordance with  
13 the local government's procedures for amendment of a  
14 development order. In accordance with the local government's  
15 procedures, including requirements for notice to the applicant  
16 and the public, the local government shall either deny the  
17 application for amendment or adopt an amendment to the  
18 development order which approves the application with or  
19 without conditions. Following adoption, the local government  
20 shall render to the state land planning agency the amendment  
21 to the development order. The state land planning agency may  
22 appeal, pursuant to s. 380.07(3), the amendment to the  
23 development order if the amendment involves sub-subparagraph  
24 g., sub-subparagraph h., sub-subparagraph j., or  
25 sub-subparagraph k. and it believes the change creates a  
26 reasonable likelihood of new or additional regional impacts ~~a~~  
27 ~~development order amendment for any change listed in~~  
28 ~~sub-subparagraphs a.-j. unless such issue is addressed either~~  
29 ~~in the existing development order or in the application for~~  
30 ~~development approval, but, in the case of the application,~~  
31 ~~only if, and in the manner in which, the application is~~

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1 ~~incorporated in the development order.~~

2           3. Except for the change authorized by  
3 sub-subparagraph 2.f., any addition of land not previously  
4 reviewed or any change not specified in paragraph (b) or  
5 paragraph (c) shall be presumed to create a substantial  
6 deviation. This presumption may be rebutted by clear and  
7 convincing evidence.

8           4. Any submittal of a proposed change to a previously  
9 approved development shall include a description of individual  
10 changes previously made to the development, including changes  
11 previously approved by the local government. The local  
12 government shall consider the previous and current proposed  
13 changes in deciding whether such changes cumulatively  
14 constitute a substantial deviation requiring further  
15 development-of-regional-impact review.

16           5. The following changes to an approved development of  
17 regional impact shall be presumed to create a substantial  
18 deviation. Such presumption may be rebutted by clear and  
19 convincing evidence.

20           a. A change proposed for 15 percent or more of the  
21 acreage to a land use not previously approved in the  
22 development order. Changes of less than 15 percent shall be  
23 presumed not to create a substantial deviation.

24           ~~b. Except for the types of uses listed in subparagraph~~  
25 ~~(b)16., any change which would result in the development of~~  
26 ~~any area which was specifically set aside in the application~~  
27 ~~for development approval or in the development order for~~  
28 ~~preservation, buffers, or special protection, including~~  
29 ~~habitat for plant and animal species, archaeological and~~  
30 ~~historical sites, dunes, and other special areas.~~

31           **b.c.** Notwithstanding any provision of paragraph (b) to



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1 the contrary, a proposed change consisting of simultaneous  
 2 increases and decreases of at least two of the uses within an  
 3 authorized multiuse development of regional impact which was  
 4 originally approved with three or more uses specified in s.  
 5 380.0651(3)(c), (d), ~~(e)(f)~~, and ~~(f)(g)~~ and residential use.

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

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

17 3. No sooner than 30 days but no later than 45 days  
 18 after submittal by the developer to the local government, the  
 19 state land planning agency, and the appropriate regional  
 20 planning agency, the local government shall give 15 days'  
 21 notice and schedule a public hearing to consider the change  
 22 that the developer asserts does not create a substantial  
 23 deviation. This public hearing shall be held within 60 ~~90~~ days  
 24 after submittal of the proposed changes, unless that time is  
 25 extended by the developer.

26 4. The appropriate regional planning agency or the  
 27 state land planning agency shall review the proposed change  
 28 and, no later than 45 days after submittal by the developer of  
 29 the proposed change, unless that time is extended by the  
 30 developer, and prior to the public hearing at which the  
 31 proposed change is to be considered, shall advise the local

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1 government in writing whether it objects to the proposed  
 2 change, shall specify the reasons for its objection, if any,  
 3 and shall provide a copy to the developer.

4         5. At the public hearing, the local government shall  
 5 determine whether the proposed change requires further  
 6 development-of-regional-impact review. The provisions of  
 7 paragraphs (a) and (e), the thresholds set forth in paragraph  
 8 (b), and the presumptions set forth in paragraphs (c) and (d)  
 9 and subparagraph (e)3. shall be applicable in determining  
 10 whether further development-of-regional-impact review is  
 11 required.

12         6. If the local government determines that the  
 13 proposed change does not require further  
 14 development-of-regional-impact review and is otherwise  
 15 approved, or if the proposed change is not subject to a  
 16 hearing and determination pursuant to subparagraphs 3. and 5.  
 17 and is otherwise approved, the local government shall issue an  
 18 amendment to the development order incorporating the approved  
 19 change and conditions of approval relating to the change. The  
 20 requirement that a change be otherwise approved shall not be  
 21 construed to require additional local review or approval if  
 22 the change is allowed by applicable local ordinances without  
 23 further local review or approval. The decision of the local  
 24 government to approve, with or without conditions, or to deny  
 25 the proposed change that the developer asserts does not  
 26 require further review shall be subject to the appeal  
 27 provisions of s. 380.07. However, the state land planning  
 28 agency may not appeal the local government decision if it did  
 29 not comply with subparagraph 4. The state land planning agency  
 30 may not appeal a change to a development order made pursuant  
 31 to subparagraph (e)1. or subparagraph (e)2. for developments

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1 of regional impact approved after January 1, 1980, unless the  
2 change would result in a significant impact to a regionally  
3 significant archaeological, historical, or natural resource  
4 not previously identified in the original  
5 development-of-regional-impact review.

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

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

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

21 3. If the local government determines that the  
22 proposed change, ~~as it relates to the entire development,~~  
23 should be approved, any new conditions in the amendment to the  
24 development order issued by the local government shall address  
25 only those issues raised by the proposed change and require  
26 mitigation only for the individual and cumulative impacts of  
27 the proposed change.

28 4. Development within the previously approved  
29 development of regional impact may continue, as approved,  
30 during the development-of-regional-impact review in those  
31 portions of the development which are not directly affected by

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1 the proposed change.

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

12 (i) An increase in the number of residential dwelling  
 13 units shall not constitute a substantial deviation and shall  
 14 not be subject to development-of-regional-impact review for  
 15 additional impacts provided that all the residential dwelling  
 16 units are dedicated to affordable workforce housing and the  
 17 total number of new residential units does not exceed 200  
 18 percent of the substantial deviation threshold. The affordable  
 19 workforce housing shall be subject to a recorded land use  
 20 restriction that shall be for a period of not less than 20  
 21 years and that includes resale provisions to ensure long-term  
 22 affordability for income-eligible homeowners and renters. For  
 23 purposes of this paragraph, the term "affordable workforce  
 24 housing" means housing that is affordable to a person who  
 25 earns less than 120 percent of the area median income, or less  
 26 than 140 percent of the area median income if located in a  
 27 county in which the median purchase price for a single-family  
 28 existing home exceeds the statewide median purchase price of a  
 29 single-family existing home. For purposes of this paragraph,  
 30 the term "statewide median purchase price of a single-family  
 31 existing home" means the statewide purchase price as

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1 determined in the Florida Sales Report, Single-Family Existing  
2 Homes, released each January by the Florida Association of  
3 Realtors and the University of Florida Real Estate Research  
4 Center.

5 (24) STATUTORY EXEMPTIONS.--

6 (a) Any proposed hospital ~~which has a designed~~  
7 ~~capacity of not more than 100 beds~~ is exempt from the  
8 provisions of this section.

9 (b) Any proposed electrical transmission line or  
10 electrical power plant is exempt from the provisions of this  
11 section, ~~except any steam or solar electrical generating~~  
12 ~~facility of less than 50 megawatts in capacity attached to a~~  
13 ~~development of regional impact.~~

14 (c) Any proposed addition to an existing sports  
15 facility complex is exempt from the provisions of this section  
16 if the addition meets the following characteristics:

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

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

21 3. The sports facility complex property is owned by a  
22 public body prior to July 1, 1983.

23  
24 This exemption does not apply to any pari-mutuel facility.

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

30 (e) Any addition of permanent seats or parking spaces  
31 for an existing sports facility located on property owned by a

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1 public body prior to July 1, 1973, is exempt from the  
 2 provisions of this section if future additions do not expand  
 3 existing permanent seating or parking capacity more than 15  
 4 percent annually in excess of the prior year's capacity.

5 (f) Any increase in the seating capacity of an  
 6 existing sports facility having a permanent seating capacity  
 7 of at least 50,000 spectators is exempt from the provisions of  
 8 this section, provided that such an increase does not increase  
 9 permanent seating capacity by more than 5 percent per year and  
 10 not to exceed a total of 10 percent in any 5-year period, and  
 11 provided that the sports facility notifies the appropriate  
 12 local government within which the facility is located of the  
 13 increase at least 6 months prior to the initial use of the  
 14 increased seating, in order to permit the appropriate local  
 15 government to develop a traffic management plan for the  
 16 traffic generated by the increase. Any traffic management plan  
 17 shall be consistent with the local comprehensive plan, the  
 18 regional policy plan, and the state comprehensive plan.

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

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

26 b. The sum of such expansions in permanent seating  
 27 capacity does not exceed a total of 10 percent in any 5-year  
 28 period and does not exceed a cumulative total of 20 percent  
 29 for any such expansions; or

30 c. The increase in additional improved parking  
 31 facilities is a one-time addition and does not exceed 3,500

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1 parking spaces serving the sports facility; and

2           2. The local government having jurisdiction of the  
3 sports facility includes in the development order or  
4 development permit approving such expansion under this  
5 paragraph a finding of fact that the proposed expansion is  
6 consistent with the transportation, water, sewer and  
7 stormwater drainage provisions of the approved local  
8 comprehensive plan and local land development regulations  
9 relating to those provisions.

10

11 Any owner or developer who intends to rely on this statutory  
12 exemption shall provide to the department a copy of the local  
13 government application for a development permit. Within 45  
14 days of receipt of the application, the department shall  
15 render to the local government an advisory and nonbinding  
16 opinion, in writing, stating whether, in the department's  
17 opinion, the prescribed conditions exist for an exemption  
18 under this paragraph. The local government shall render the  
19 development order approving each such expansion to the  
20 department. The owner, developer, or department may appeal the  
21 local government development order pursuant to s. 380.07,  
22 within 45 days after the order is rendered. The scope of  
23 review shall be limited to the determination of whether the  
24 conditions prescribed in this paragraph exist. If any sports  
25 facility expansion undergoes development of regional impact  
26 review, all previous expansions which were exempt under this  
27 paragraph shall be included in the development of regional  
28 impact review.

29           (h) Expansion to port harbors, spoil disposal sites,  
30 navigation channels, turning basins, harbor berths, and other  
31 related inwater harbor facilities of ports listed in s.

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1 403.021(9)(b), port transportation facilities and projects  
 2 listed in s. 311.07(3)(b), and intermodal transportation  
 3 facilities identified pursuant to s. 311.09(3) are exempt from  
 4 the provisions of this section when such expansions, projects,  
 5 or facilities are consistent with comprehensive master plans  
 6 that are in compliance with the provisions of s. 163.3178.

7 (i) Any proposed facility for the storage of any  
 8 petroleum product or any expansion of an existing facility is  
 9 exempt from the provisions of this section, ~~if the facility is~~  
 10 ~~consistent with a local comprehensive plan that is in~~  
 11 ~~compliance with s. 163.3177 or is consistent with a~~  
 12 ~~comprehensive port master plan that is in compliance with s.~~  
 13 ~~163.3178.~~

14 (j) Any renovation or redevelopment within the same  
 15 land parcel which does not change land use or increase density  
 16 or intensity of use.

17 (k) ~~1. Waterport and marina development, including dry~~  
 18 ~~storage facilities, are exempt from the provisions of this~~  
 19 ~~section~~ Any waterport or marina development is exempt from the  
 20 provisions of this section if the relevant county or  
 21 municipality has adopted a boating facility siting plan or  
 22 policy which includes applicable criteria, considering such  
 23 factors as natural resources, manatee protection needs and  
 24 recreation and economic demands as generally outlined in the  
 25 Bureau of Protected Species Management Boat Facility Siting  
 26 Guide, dated August 2000, into the coastal management or land  
 27 use element of its comprehensive plan. The adoption of boating  
 28 facility siting plans or policies into the comprehensive plan  
 29 is exempt from the provisions of s. 163.3187(1). Any waterport  
 30 or marina development within the municipalities or counties  
 31 with boating facility siting plans or policies that meet the



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1 ~~above criteria, adopted prior to April 1, 2002, are exempt~~  
 2 ~~from the provisions of this section, when their boating~~  
 3 ~~facility siting plan or policy is adopted as part of the~~  
 4 ~~relevant local government's comprehensive plan.~~

5 ~~2. Within 6 months of the effective date of this law,~~  
 6 ~~The Department of Community Affairs, in conjunction with the~~  
 7 ~~Department of Environmental Protection and the Florida Fish~~  
 8 ~~and Wildlife Conservation Commission, shall provide technical~~  
 9 ~~assistance and guidelines, including model plans, policies and~~  
 10 ~~criteria to local governments for the development of their~~  
 11 ~~siting plans.~~

12 (l) Any proposed development within an urban service  
 13 boundary established under s. 163.3177(14) is exempt from the  
 14 provisions of this section if the local government having  
 15 jurisdiction over the area where the development is proposed  
 16 has adopted the urban service boundary, ~~and~~ has entered into a  
 17 binding agreement with ~~adjacent~~ jurisdictions that would be  
 18 impacted and with the Department of Transportation regarding  
 19 the mitigation of impacts on state and regional transportation  
 20 facilities, and has adopted a proportionate share methodology  
 21 pursuant to s. 163.3180(16).

22 (m) Any proposed development within a rural land  
 23 stewardship area created under s. 163.3177(11)(d) is exempt  
 24 from the provisions of this section if the local government  
 25 that has adopted the rural land stewardship area has entered  
 26 into a binding agreement with jurisdictions that would be  
 27 impacted and the Department of Transportation regarding the  
 28 mitigation of impacts on state and regional transportation  
 29 facilities, and has adopted a proportionate share methodology  
 30 pursuant to s. 163.3180(16).

31 (n) Any proposed development or redevelopment within

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1 an area designated as an urban infill and redevelopment area  
 2 under s. 163.2517 is exempt from ~~the provisions of~~ this  
 3 section if the local government has entered into a binding  
 4 agreement with jurisdictions that would be impacted and the  
 5 Department of Transportation regarding the mitigation of  
 6 impacts on state and regional transportation facilities, and  
 7 has adopted a proportionate share methodology pursuant to s.  
 8 163.3180(16).

9 (o) The establishment, relocation, or expansion of any  
 10 military installation as defined in s. 163.3175, is exempt  
 11 from this section.

12 (p) Any self-storage warehousing that does not allow  
 13 retail or other services is exempt from this section.

14 (q) Any proposed nursing home or assisted living  
 15 facility is exempt from this section.

16 (r) Any development identified in an airport master  
 17 plan and adopted into the comprehensive plan pursuant to s.  
 18 163.3177(6)(k) is exempt from this section.

19 (s) Any development identified in a campus master plan  
 20 and adopted pursuant to s. 1013.30 is exempt from this  
 21 section.

22 (t) Any development in a specific area plan which is  
 23 prepared pursuant to s. 163.3245 and adopted into the  
 24 comprehensive plan is exempt from this section.

25  
 26 If a use is exempt from review as a development of regional  
 27 impact under paragraphs (a)-(t) but will be part of a larger  
 28 project that is subject to review as a development of regional  
 29 impact, the impact of the exempt use must be included in the  
 30 review of the larger project.

31 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.--

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1        (a) There is hereby established a process to abandon a  
2 development of regional impact and its associated development  
3 orders. A development of regional impact and its associated  
4 development orders may be proposed to be abandoned by the  
5 owner or developer. The local government in which the  
6 development of regional impact is located also may propose to  
7 abandon the development of regional impact, provided that the  
8 local government gives individual written notice to each  
9 development-of-regional-impact owner and developer of record,  
10 and provided that no such owner or developer objects in  
11 writing to the local government prior to or at the public  
12 hearing pertaining to abandonment of the development of  
13 regional impact. The state land planning agency is authorized  
14 to promulgate rules that shall include, but not be limited to,  
15 criteria for determining whether to grant, grant with  
16 conditions, or deny a proposal to abandon, and provisions to  
17 ensure that the developer satisfies all applicable conditions  
18 of the development order and adequately mitigates for the  
19 impacts of the development. If there is no existing  
20 development within the development of regional impact at the  
21 time of abandonment and no development within the development  
22 of regional impact is proposed by the owner or developer after  
23 such abandonment, an abandonment order shall not require the  
24 owner or developer to contribute any land, funds, or public  
25 facilities as a condition of such abandonment order. The rules  
26 shall also provide a procedure for filing notice of the  
27 abandonment pursuant to s. 28.222 with the clerk of the  
28 circuit court for each county in which the development of  
29 regional impact is located. Any decision by a local government  
30 concerning the abandonment of a development of regional impact  
31 shall be subject to an appeal pursuant to s. 380.07. The

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1 issues in any such appeal shall be confined to whether the  
2 provisions of this subsection or any rules promulgated  
3 thereunder have been satisfied.

4 (b) Upon receipt of written confirmation from the  
5 state land planning agency that any required mitigation  
6 applicable to completed development has occurred, an  
7 industrial development of regional impact located within the  
8 coastal high-hazard area of a rural county of economic concern  
9 which was approved prior to the adoption of the local  
10 government's comprehensive plan required under s. 163.3167 and  
11 which plan's future land use map and zoning designates the  
12 land use for the development of regional impact as commercial  
13 may be unilaterally abandoned without the need to proceed  
14 through the process described in paragraph (a) if the  
15 developer or owner provides a notice of abandonment to the  
16 local government and records such notice with the applicable  
17 clerk of court. Abandonment shall be deemed to have occurred  
18 upon the recording of the notice. All development following  
19 abandonment shall be fully consistent with the current  
20 comprehensive plan and applicable zoning.

21 (28) PARTIAL STATUTORY EXEMPTIONS.--

22 (a) If the binding agreement referenced under  
23 paragraph (24)(l) for urban service boundaries is not entered  
24 into within 12 months after establishment of the urban service  
25 boundary, the development-of-regional-impact review for  
26 projects within the urban service boundary must address  
27 transportation impacts only.

28 (b) If the binding agreement referenced under  
29 paragraph (24)(m) for rural land stewardship areas is not  
30 entered into within 12 months after the designation of a rural  
31 land stewardship area, the development-of-regional-impact

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1 review for projects within the rural land stewardship area  
2 must address transportation impacts only.

3 (c) If the binding agreement referenced under  
4 paragraph (24)(n) for designated urban infill and  
5 redevelopment areas is not entered into within 12 months after  
6 the designation of the area or July 1, 2007, whichever occurs  
7 later, the development-of-regional-impact review for projects  
8 within the urban infill and redevelopment area must address  
9 transportation impacts only.

10 (d) A local government that does not wish to enter  
11 into a binding agreement or that is unable to agree on the  
12 terms of the agreement referenced under paragraph (24)(l),  
13 paragraph (24)(m), or paragraph (24)(n) shall provide written  
14 notification to the state land planning agency of the decision  
15 to not enter into a binding agreement or the failure to enter  
16 into a binding agreement within the 12-month period referenced  
17 in paragraphs (a), (b) and (c). Following the notification of  
18 the state land planning agency, development-of-regional-impact  
19 review for projects within an urban service boundary under  
20 paragraph (24)(l), a rural land stewardship area under  
21 paragraph (24)(m), or an urban infill and redevelopment area  
22 under paragraph (24)(n), must address transportation impacts  
23 only.

24 (e) The vesting provision of s. 163.3167(8) relating  
25 to an authorized development of regional impact shall not  
26 apply to those projects partially exempt from the  
27 development-of-regional-impact review process under paragraphs  
28 (a)-(d).

29 Section 9. Paragraphs (d) and (e) of subsection (3) of  
30 section 380.0651, Florida Statutes, are amended, paragraphs  
31 (f) through (i) are redesignated as paragraphs (e) through

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1 (h), respectively, paragraph (j) is redesignated as paragraph  
2 (i) and amended, and a new paragraph (j) is added to that  
3 subsection, to read:

4 380.0651 Statewide guidelines and standards.--

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

9 (d) Office development.--Any proposed office building  
10 or park operated under common ownership, development plan, or  
11 management that:

12 1. Encompasses 300,000 or more square feet of gross  
13 floor area; or

14 2. Encompasses more than 600,000 square feet of gross  
15 floor area in a county with a population greater than 500,000  
16 and only in a geographic area specifically designated as  
17 highly suitable for increased threshold intensity in the  
18 approved local comprehensive plan ~~and in the strategic~~  
19 ~~regional policy plan.~~

20 ~~(e) Port facilities.--The proposed construction of any~~  
21 ~~waterport or marina is required to undergo~~  
22 ~~development of regional impact review, except one designed~~  
23 ~~for:~~

24 ~~1.a. The wet storage or mooring of fewer than 150~~  
25 ~~watercraft used exclusively for sport, pleasure, or commercial~~  
26 ~~fishing, or~~

27 ~~b. The dry storage of fewer than 200 watercraft used~~  
28 ~~exclusively for sport, pleasure, or commercial fishing, or~~

29 ~~c. The wet or dry storage or mooring of fewer than 150~~  
30 ~~watercraft on or adjacent to an inland freshwater lake except~~  
31 ~~Lake Okeechobee or any lake which has been designated an~~

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1 ~~Outstanding Florida Water, or~~  
 2           d. ~~The wet or dry storage or mooring of fewer than 50~~  
 3 ~~watercraft of 40 feet in length or less of any type or~~  
 4 ~~purpose. The exceptions to this paragraph's requirements for~~  
 5 ~~development of regional impact review shall not apply to any~~  
 6 ~~waterport or marina facility located within or which serves~~  
 7 ~~physical development located within a coastal barrier resource~~  
 8 ~~unit on an unbridged barrier island designated pursuant to 16~~  
 9 ~~U.S.C. s. 3501.~~

10  
 11 ~~In addition to the foregoing, for projects for which no~~  
 12 ~~environmental resource permit or sovereign submerged land~~  
 13 ~~lease is required, the Department of Environmental Protection~~  
 14 ~~must determine in writing that a proposed marina in excess of~~  
 15 ~~10 slips or storage spaces or a combination of the two is~~  
 16 ~~located so that it will not adversely impact Outstanding~~  
 17 ~~Florida Waters or Class II waters and will not contribute boat~~  
 18 ~~traffic in a manner that will have an adverse impact on an~~  
 19 ~~area known to be, or likely to be, frequented by manatees. If~~  
 20 ~~the Department of Environmental Protection fails to issue its~~  
 21 ~~determination within 45 days of receipt of a formal written~~  
 22 ~~request, it has waived its authority to make such~~  
 23 ~~determination. The Department of Environmental Protection~~  
 24 ~~determination shall constitute final agency action pursuant to~~  
 25 ~~chapter 120.~~

26           2. ~~The dry storage of fewer than 300 watercraft used~~  
 27 ~~exclusively for sport, pleasure, or commercial fishing at a~~  
 28 ~~marina constructed and in operation prior to July 1, 1985.~~

29           3. ~~Any proposed marina development with both wet and~~  
 30 ~~dry mooring or storage used exclusively for sport, pleasure,~~  
 31 ~~or commercial fishing, where the sum of percentages of the~~

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1 ~~applicable wet and dry mooring or storage thresholds equals~~  
 2 ~~100 percent. This threshold is in addition to, and does not~~  
 3 ~~preclude, a development from being required to undergo~~  
 4 ~~development of regional impact review under sub-subparagraphs~~  
 5 ~~1.a. and b. and subparagraph 2.~~

6       *(i)(j)* Residential development.--No rule may be  
 7 adopted concerning residential developments which treats a  
 8 residential development in one county as being located in a  
 9 less populated adjacent county unless more than 25 percent of  
 10 the development is located within 2 or less miles of the less  
 11 populated adjacent county. The residential thresholds of  
 12 adjacent counties with less population and a lower threshold  
 13 shall not be controlling on any development wholly located  
 14 within areas designated as rural areas of critical economic  
 15 concern.

16       *(j)* Workforce housing.--The applicable guidelines for  
 17 residential development and the residential component for  
 18 multiuse development shall be increased by 50 percent where  
 19 the developer demonstrates that at least 15 percent of the  
 20 total residential dwelling units authorized within the  
 21 development of regional impact will be dedicated to affordable  
 22 workforce housing, subject to a recorded land use restriction  
 23 that shall be for a period of not less than 20 years and that  
 24 includes resale provisions to ensure long-term affordability  
 25 for income-eligible homeowners and renters and provisions for  
 26 the workforce housing to be commenced prior to the completion  
 27 of 50 percent of the market rate dwelling. For purposes of  
 28 this paragraph, the term "affordable workforce housing" means  
 29 housing that is affordable to a person who earns less than 120  
 30 percent of the area median income, or less than 140 percent of  
 31 the area median income if located in a county in which the



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1 median purchase price for a single-family existing home  
 2 exceeds the statewide median purchase price of a single-family  
 3 existing home. For the purposes of this paragraph, the term  
 4 "statewide median purchase price of a single-family existing  
 5 home" means the statewide purchase price as determined in the  
 6 Florida Sales Report, Single-Family Existing Homes, released  
 7 each January by the Florida Association of Realtors and the  
 8 University of Florida Real Estate Research Center.

9           Section 10. Section 380.07, Florida Statutes, is  
 10 amended to read:

11           380.07 Florida Land and Water Adjudicatory  
 12 Commission.--

13           (1) There is hereby created the Florida Land and Water  
 14 Adjudicatory Commission, which shall consist of the  
 15 Administration Commission. The commission may adopt rules  
 16 necessary to ensure compliance with the area of critical state  
 17 concern program and the requirements for developments of  
 18 regional impact as set forth in this chapter.

19           (2) Whenever any local government issues any  
 20 development order in any area of critical state concern, or in  
 21 regard to any development of regional impact, copies of such  
 22 orders as prescribed by rule by the state land planning agency  
 23 shall be transmitted to the state land planning agency, the  
 24 regional planning agency, and the owner or developer of the  
 25 property affected by such order. The state land planning  
 26 agency shall adopt rules describing development order  
 27 rendition and effectiveness in designated areas of critical  
 28 state concern. Within 45 days after the order is rendered, the  
 29 owner, the developer, or the state land planning agency may  
 30 appeal the order to the Florida Land and Water Adjudicatory  
 31 Commission by filing a petition alleging that the development

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1 order is not consistent with the provisions of this part  
2 ~~notice of appeal with the commission.~~ The appropriate regional  
3 planning agency by vote at a regularly scheduled meeting may  
4 recommend that the state land planning agency undertake an  
5 appeal of a development-of-regional-impact development order.  
6 Upon the request of an appropriate regional planning council,  
7 affected local government, or any citizen, the state land  
8 planning agency shall consider whether to appeal the order and  
9 shall respond to the request within the 45-day appeal period.  
10 ~~Any appeal taken by a regional planning agency between March~~  
11 ~~1, 1993, and the effective date of this section may only be~~  
12 ~~continued if the state land planning agency has also filed an~~  
13 ~~appeal. Any appeal initiated by a regional planning agency on~~  
14 ~~or before March 1, 1993, shall continue until completion of~~  
15 ~~the appeal process and any subsequent appellate review, as if~~  
16 ~~the regional planning agency were authorized to initiate the~~  
17 ~~appeal.~~

18 (3) Notwithstanding any other provision of law, an  
19 appeal of a development order by the state land planning  
20 agency under this section may include consistency of the  
21 development order with the local comprehensive plan. However,  
22 if a development order relating to a development of regional  
23 impact has been challenged in a proceeding under s. 163.3215  
24 and a party to the proceeding serves notice to the state land  
25 planning agency of the pending proceeding under s. 163.3215,  
26 the state land planning agency shall:

27 (a) Raise its consistency issues by intervening as a  
28 full party in the pending proceeding under s. 163.3215 within  
29 30 days after service of the notice; and

30 (b) Dismiss the consistency issues from the  
31 development order appeal.

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1       (4) The appellant shall furnish a copy of the petition  
 2 to the opposing party, as the case may be, and to the local  
 3 government that issued the order. The filing of the petition  
 4 stays the effectiveness of the order until after the  
 5 completion of the appeal process.

6       ~~(5)(3)~~ The 45-day appeal period for a development of  
 7 regional impact within the jurisdiction of more than one local  
 8 government shall not commence until after all the local  
 9 governments having jurisdiction over the proposed development  
 10 of regional impact have rendered their development orders. The  
 11 appellant shall furnish a copy of the notice of appeal to the  
 12 opposing party, as the case may be, and to the local  
 13 government which issued the order. The filing of the notice of  
 14 appeal shall stay the effectiveness of the order until after  
 15 the completion of the appeal process.

16       ~~(6)(4)~~ Prior to issuing an order, the Florida Land and  
 17 Water Adjudicatory Commission shall hold a hearing pursuant to  
 18 the provisions of chapter 120. The commission shall encourage  
 19 the submission of appeals on the record made below in cases in  
 20 which the development order was issued after a full and  
 21 complete hearing before the local government or an agency  
 22 thereof.

23       ~~(7)(5)~~ The Florida Land and Water Adjudicatory  
 24 Commission shall issue a decision granting or denying  
 25 permission to develop pursuant to the standards of this  
 26 chapter and may attach conditions and restrictions to its  
 27 decisions.

28       ~~(8)(6)~~ If an appeal is filed with respect to any  
 29 issues within the scope of a permitting program authorized by  
 30 chapter 161, chapter 373, or chapter 403 and for which a  
 31 permit or conceptual review approval has been obtained prior

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1 to the issuance of a development order, any such issue shall  
 2 be specifically identified in the notice of appeal which is  
 3 filed pursuant to this section, together with other issues  
 4 which constitute grounds for the appeal. The appeal may  
 5 proceed with respect to issues within the scope of permitting  
 6 programs for which a permit or conceptual review approval has  
 7 been obtained prior to the issuance of a development order  
 8 only after the commission determines by majority vote at a  
 9 regularly scheduled commission meeting that statewide or  
 10 regional interests may be adversely affected by the  
 11 development. In making this determination, there shall be a  
 12 rebuttable presumption that statewide and regional interests  
 13 relating to issues within the scope of the permitting programs  
 14 for which a permit or conceptual approval has been obtained  
 15 are not adversely affected.

16 Section 11. Section 380.115, Florida Statutes, is  
 17 amended to read:

18 380.115 Vested rights and duties; effect of size  
 19 reduction, changes in guidelines and standards ~~chs. 2002-20~~  
 20 ~~and 2002-296.--~~

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

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1 governed by the following procedures:

2 (a) The development shall continue to be governed by  
 3 the development-of-regional-impact development order and may  
 4 be completed in reliance upon and pursuant to the development  
 5 order unless the developer or landowner has followed the  
 6 procedures for rescission in paragraph (b). Any proposed  
 7 changes to those developments which continue to be governed by  
 8 a development order shall be approved pursuant to s.  
 9 380.06(19) as it existed prior to a change in the  
 10 development-of-regional-impact guidelines and standards,  
 11 except that all percentage criteria shall be doubled and all  
 12 other criteria shall be increased by 10 percent. The  
 13 development-of-regional-impact development order may be  
 14 enforced by the local government as provided by ss. 380.06(17)  
 15 and 380.11.

16 (b) If requested by the developer or landowner, the  
 17 development-of-regional-impact development order shall ~~may~~ be  
 18 rescinded by the local government having jurisdiction upon a  
 19 showing that all required mitigation related to the amount of  
 20 development that existed on the date of rescission has been  
 21 completed ~~abandoned pursuant to the process in s. 380.06(26).~~

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

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1 (3) A landowner that has filed an application for a  
 2 development-of-regional-impact review prior to the adoption of  
 3 an optional sector plan pursuant to s. 163.3245 may elect to  
 4 have the application reviewed pursuant to s. 380.06,  
 5 comprehensive plan provisions in force prior to adoption of  
 6 the sector plan, and any requested comprehensive plan  
 7 amendments that accompany the application.

8 Section 12. Paragraph (i) of subsection (2) of section  
 9 403.813, Florida Statutes, is amended to read:

10 403.813 Permits issued at district centers;  
 11 exceptions.--

12 (2) A permit is not required under this chapter,  
 13 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214  
 14 or chapter 25270, 1949, Laws of Florida, for activities  
 15 associated with the following types of projects; however,  
 16 except as otherwise provided in this subsection, nothing in  
 17 this subsection relieves an applicant from any requirement to  
 18 obtain permission to use or occupy lands owned by the Board of  
 19 Trustees of the Internal Improvement Trust Fund or any water  
 20 management district in its governmental or proprietary  
 21 capacity or from complying with applicable local pollution  
 22 control programs authorized under this chapter or other  
 23 requirements of county and municipal governments:

24 (i) The construction of private docks of 1,000 square  
 25 feet or less of over-water surface area and seawalls in  
 26 artificially created waterways where such construction will  
 27 not violate existing water quality standards, impede  
 28 navigation, or affect flood control. This exemption does not  
 29 apply to the construction of vertical seawalls in estuaries or  
 30 lagoons unless the proposed construction is within an existing  
 31 manmade canal where the shoreline is currently occupied in

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1 whole or part by vertical seawalls.

2 Section 13. This act shall take effect July 1, 2006.

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

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8

9 and insert:

10

A bill to be entitled

11

An act relating to growth management; amending  
s. 163.01, F.S.; revising provisions for filing  
certain interlocal agreements and amendments;  
amending s. 163.3177, F.S.; encouraging local  
governments to adopt recreational surface water  
use policies; providing criteria and exemptions  
for such policies; authorizing assistance for  
the development of such policies; directing the  
Office of Program Policy Analysis and  
Government Accountability to submit a report to  
the Legislature; revising a provision relating  
to the amount of transferrable land use  
credits; amending s. 163.3180, F.S.; conforming  
a cross-reference; amending s. 197.303, F.S.;  
revising the criteria for ad valorem tax  
deferral waterfront properties; creating s.  
336.68, F.S.; authorizing certain real property  
owners to select a community development  
district to provide road and drainage  
improvements; authorizing certain real property  
owners to withdraw from a community development

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1 district; providing eligibility requirements;  
2 requiring that a certificate be filed for such  
3 withdrawal; providing requirements and  
4 procedures therefor; amending s. 342.07, F.S.;  
5 including hotels and motels within the  
6 definition of the term "recreational and  
7 commercial working waterfront"; creating s.  
8 373.4132, F.S.; directing water management  
9 district governing boards and the Department of  
10 Environmental Protection to require permits for  
11 certain activities relating to certain dry  
12 storage facilities; providing criteria for  
13 application of such permits; preserving  
14 regulatory authority for the department and  
15 governing boards; amending s. 380.06, F.S.;  
16 providing for the state land planning agency to  
17 determine the amount of development that  
18 remains to be built in certain circumstances;  
19 specifying certain requirements for a  
20 development order; revising the circumstances  
21 in which a local government may issue permits  
22 for development subsequent to the buildout  
23 date; revising the definition of an essentially  
24 built-out development; revising the criteria  
25 under which a proposed change constitutes a  
26 substantial deviation; providing criteria for  
27 calculating certain deviations; clarifying the  
28 criteria under which the extension of a  
29 buildout date is presumed to create a  
30 substantial deviation; requiring that notice of  
31 any change to certain set-aside areas be



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1 submitted to the local government; requiring  
2 that notice of certain changes be given to the  
3 state land planning agency, regional planning  
4 agency, and local government; revising the  
5 statutory exemptions from  
6 development-of-regional-impact review for  
7 certain facilities; removing waterport and  
8 marina developments from  
9 development-of-regional-impact review;  
10 providing statutory exemptions and partial  
11 statutory exemptions for the development of  
12 certain facilities; providing that the impacts  
13 from an exempt use that will be part of a  
14 larger project be included in the  
15 development-of-regional-impact review of the  
16 larger project; providing that vesting  
17 provisions relating to authorized developments  
18 of regional impact are not applicable to  
19 certain projects; revising provisions for the  
20 abandonment of developments of regional impact;  
21 providing an exemption from such provisions for  
22 certain developments of regional impact;  
23 providing requirements for developments  
24 following abandonment; amending s. 380.0651,  
25 F.S.; revising the statewide guidelines and  
26 standards for development-of-regional-impact  
27 review of office developments; deleting such  
28 guidelines and standards for port facilities;  
29 revising such guidelines and standards for  
30 residential developments; providing such  
31 guidelines and standards for workforce housing;

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1           amending s. 380.07, F.S.; revising the  
2           appellate procedures for development orders  
3           within a development of regional impact to the  
4           Florida Land and Water Adjudicatory Commission;  
5           amending s. 380.115, F.S.; providing that a  
6           change in a development-of-regional-impact  
7           guideline and standard does not abridge or  
8           modify any vested right or duty under a  
9           development order; providing a process for the  
10          rescission of a development order by the local  
11          government in certain circumstances; providing  
12          an exemption for certain applications for  
13          development approval and notices of proposed  
14          changes; amending s. 403.813, F.S.; revising  
15          permitting exceptions for the construction of  
16          private docks in certain waterways; providing  
17          an effective date.

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