

Bill No. CS for CS for SB 1020

Barcode 352586

CHAMBER ACTION

Senate

House

1	Comm: FAV	.
2	04/19/2006 04:37 PM	.
3	Floor: 1/AD/2R	.
4	05/03/2006 03:24 PM	.

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11 The Committee on Transportation (Bennett) recommended the
12 following amendment:

13
14 **Senate Amendment (with title amendment)**
15 Delete everything after the enacting clause

16
17 and insert:

18 Section 1. Paragraph (g) of subsection (6) and
19 paragraph (d) of subsection (11) of section 163.3177, Florida
20 Statutes, are amended to read:

21 163.3177 Required and optional elements of
22 comprehensive plan; studies and surveys.--

23 (6) In addition to the requirements of subsections
24 (1)-(5) and (12), the comprehensive plan shall include the
25 following elements:

26 (g)1. For those units of local government identified
27 in s. 380.24, a coastal management element, appropriately
28 related to the particular requirements of paragraphs (d) and
29 (e) and meeting the requirements of s. 163.3178(2) and (3).
30 The coastal management element shall set forth the policies
31 that shall guide the local government's decisions and program

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1 implementation with respect to the following objectives:

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

5 ~~b.2.~~ Continued existence of viable populations of all
6 species of wildlife and marine life.

7 ~~c.3.~~ The orderly and balanced utilization and
8 preservation, consistent with sound conservation principles,
9 of all living and nonliving coastal zone resources.

10 ~~d.4.~~ Avoidance of irreversible and irretrievable loss
11 of coastal zone resources.

12 ~~e.5.~~ Ecological planning principles and assumptions to
13 be used in the determination of suitability and extent of
14 permitted development.

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

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

18 ~~h.8.~~ Protection of human life against the effects of
19 natural disasters.

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

23 ~~j.10.~~ Preservation, including sensitive adaptive use
24 of historic and archaeological resources.

25 2. As part of this element, affected local governments
26 are encouraged to adopt a boating facility siting plan or
27 policy that includes applicable criteria and considers such
28 factors as natural resources, manatee protection needs, and
29 recreation and economic demands as generally outlined in the
30 Boat Facility Siting Guide dated August 2000 and prepared by
31 the Bureau of Protected Species Management of the Fish and

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1 Wildlife Conservation Commission. The local government's
 2 adoption of a boating facility siting plan or policy by
 3 comprehensive plan amendment is exempt from the provisions of
 4 s. 163.3187(1). Local governments that wish to adopt a boating
 5 facility siting plan or policy may be eligible for assistance
 6 with the development of a plan or policy through the Florida
 7 Coastal Management Program.

8 (11)

9 (d)1. The department, in cooperation with the
 10 Department of Agriculture and Consumer Services, the
 11 Department of Environmental Protection, water management
 12 districts, and regional planning councils, shall provide
 13 assistance to local governments in the implementation of this
 14 paragraph and rule 9J-5.006(5)(1), Florida Administrative
 15 Code. Implementation of those provisions shall include a
 16 process by which the department may authorize local
 17 governments to designate all or portions of lands classified
 18 in the future land use element as predominantly agricultural,
 19 rural, open, open-rural, or a substantively equivalent land
 20 use, as a rural land stewardship area within which planning
 21 and economic incentives are applied to encourage the
 22 implementation of innovative and flexible planning and
 23 development strategies and creative land use planning
 24 techniques, including those contained herein and in rule
 25 9J-5.006(5)(1), Florida Administrative Code. Assistance may
 26 include, but is not limited to:

27 a. Assistance from the Department of Environmental
 28 Protection and water management districts in creating the
 29 geographic information systems land cover database and aerial
 30 photogrammetry needed to prepare for a rural land stewardship
 31 area;

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1 b. Support for local government implementation of
 2 rural land stewardship concepts by providing information and
 3 assistance to local governments regarding land acquisition
 4 programs that may be used by the local government or
 5 landowners to leverage the protection of greater acreage and
 6 maximize the effectiveness of rural land stewardship areas;
 7 and

8 c. Expansion of the role of the Department of
 9 Community Affairs as a resource agency to facilitate
 10 establishment of rural land stewardship areas in smaller rural
 11 counties that do not have the staff or planning budgets to
 12 create a rural land stewardship area.

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

27 3. A local government, in conjunction with a regional
 28 planning council, a stakeholder organization of private land
 29 owners, or another local government, shall notify the
 30 department in writing of its intent to designate a rural land
 31 stewardship area. The written notification shall describe the

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1 basis for the designation, including the extent to which the
 2 rural land stewardship area enhances rural land values,
 3 controls urban sprawl, provides necessary open space for
 4 agriculture and protection of the natural environment,
 5 promotes rural economic activity, and maintains rural
 6 character and the economic viability of agriculture.

7 4. A rural land stewardship area shall be not less
 8 than 10,000 acres and shall be located outside of
 9 municipalities and established urban growth boundaries, and
 10 shall be designated by plan amendment. The plan amendment
 11 designating a rural land stewardship area shall be subject to
 12 review by the Department of Community Affairs pursuant to s.
 13 163.3184 and shall provide for the following:

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

28 b. Goals, objectives, and policies setting forth the
 29 innovative planning and development strategies to be applied
 30 within rural land stewardship areas pursuant to the provisions
 31 of this section.

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1 c. A process for the implementation of innovative
2 planning and development strategies within the rural land
3 stewardship area, including those described in this subsection
4 and rule 9J-5.006(5)(1), Florida Administrative Code, which
5 provide for a functional mix of land uses, including adequate
6 available workforce housing, including low, very-low and
7 moderate income housing for the development anticipated in the
8 receiving area and which are applied through the adoption by
9 the local government of zoning and land development
10 regulations applicable to the rural land stewardship area.

11 d. A process which encourages visioning pursuant to s.
12 163.3167(11) to ensure that innovative planning and
13 development strategies comply with the provisions of this
14 section.

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

19 5. A receiving area shall be designated by the
20 adoption of a land development regulation. Prior to the
21 designation of a receiving area, the local government shall
22 provide the Department of Community Affairs a period of 30
23 days in which to review a proposed receiving area for
24 consistency with the rural land stewardship area plan
25 amendment and to provide comments to the local government. At
26 the time of designation of a stewardship receiving area, a
27 listed species survey will be performed. If listed species
28 occur on the receiving area site, the developer shall
29 coordinate with each appropriate local, state, or federal
30 agency to determine if adequate provisions have been made to
31 protect those species in accordance with applicable

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1 regulations. In determining the adequacy of provisions for the
 2 protection of listed species and their habitats, the rural
 3 land stewardship area shall be considered as a whole, and the
 4 impacts to areas to be developed as receiving areas shall be
 5 considered together with the environmental benefits of areas
 6 protected as sending areas in fulfilling this criteria.

7 6. Upon the adoption of a plan amendment creating a
 8 rural land stewardship area, the local government shall, by
 9 ordinance, establish the methodology for the creation,
 10 conveyance, and use of transferable rural land use credits,
 11 otherwise referred to as stewardship credits, the application
 12 of which shall not constitute a right to develop land, nor
 13 increase density of land, except as provided by this section.
 14 The total amount of transferable rural land use credits within
 15 the rural land stewardship area must enable the realization of
 16 the long-term vision and goals for the 25-year or greater
 17 projected population of the rural land stewardship area, which
 18 may take into consideration the anticipated effect of the
 19 proposed receiving areas. Transferable rural land use credits
 20 are subject to the following limitations:

21 a. Transferable rural land use credits may only exist
 22 within a rural land stewardship area.

23 b. Transferable rural land use credits may only be
 24 used on lands designated as receiving areas and then solely
 25 for the purpose of implementing innovative planning and
 26 development strategies and creative land use planning
 27 techniques adopted by the local government pursuant to this
 28 section.

29 c. Transferable rural land use credits assigned to a
 30 parcel of land within a rural land stewardship area shall
 31 cease to exist if the parcel of land is removed from the rural

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1 land stewardship area by plan amendment.

2 d. Neither the creation of the rural land stewardship
3 area by plan amendment nor the assignment of transferable
4 rural land use credits by the local government shall operate
5 to displace the underlying density of land uses assigned to a
6 parcel of land within the rural land stewardship area;
7 however, if transferable rural land use credits are
8 transferred from a parcel for use within a designated
9 receiving area, the underlying density assigned to the parcel
10 of land shall cease to exist.

11 e. The underlying density on each parcel of land
12 located within a rural land stewardship area shall not be
13 increased or decreased by the local government, except as a
14 result of the conveyance or use of transferable rural land use
15 credits, as long as the parcel remains within the rural land
16 stewardship area.

17 f. Transferable rural land use credits shall cease to
18 exist on a parcel of land where the underlying density
19 assigned to the parcel of land is utilized.

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

24 h. A change in the density of land use on parcels
25 located within receiving areas shall be specified in a
26 development order which reflects the total number of
27 transferable rural land use credits assigned to the parcel of
28 land and the infrastructure and support services necessary to
29 provide for a functional mix of land uses corresponding to the
30 plan of development.

31 i. Land within a rural land stewardship area may be

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1 removed from the rural land stewardship area through a plan
2 amendment.

3 j. Transferable rural land use credits may be assigned
4 at different ratios of credits per acre according to the
5 natural resource or other beneficial use characteristics of
6 the land and according to the land use remaining following the
7 transfer of credits, with the highest number of credits per
8 acre assigned to the most environmentally valuable land or, in
9 locations where the retention of open space and agricultural
10 land is a priority, to such lands.

11 k. The use or conveyance of transferable rural land
12 use credits must be recorded in the public records of the
13 county in which the property is located as a covenant or
14 restrictive easement running with the land in favor of the
15 county and either the Department of Environmental Protection,
16 Department of Agriculture and Consumer Services, a water
17 management district, or a recognized statewide land trust.

18 7. Owners of land within rural land stewardship areas
19 should be provided incentives to enter into rural land
20 stewardship agreements, pursuant to existing law and rules
21 adopted thereto, with state agencies, water management
22 districts, and local governments to achieve mutually agreed
23 upon conservation objectives. Such incentives may include,
24 but not be limited to, the following:

25 a. Opportunity to accumulate transferable mitigation
26 credits.

27 b. Extended permit agreements.

28 c. Opportunities for recreational leases and
29 ecotourism.

30 d. Payment for specified land management services on
31 publicly owned land, or property under covenant or restricted

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1 easement in favor of a public entity.

2 e. Option agreements for sale to public entities or
3 private land conservation entities, in either fee or easement,
4 upon achievement of conservation objectives.

5 8. The department shall report to the Legislature on
6 an annual basis on the results of implementation of rural land
7 stewardship areas authorized by the department, including
8 successes and failures in achieving the intent of the
9 Legislature as expressed in this paragraph.

10 Section 2. Paragraph (a) of subsection (12) of section
11 163.3180, Florida Statutes, is amended to read:

12 163.3180 Concurrency.--

13 (12) When authorized by a local comprehensive plan, a
14 multiuse development of regional impact may satisfy the
15 transportation concurrency requirements of the local
16 comprehensive plan, the local government's concurrency
17 management system, and s. 380.06 by payment of a
18 proportionate-share contribution for local and regionally
19 significant traffic impacts, if:

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

26
27 The proportionate-share contribution may be applied to any
28 transportation facility to satisfy the provisions of this
29 subsection and the local comprehensive plan, but, for the
30 purposes of this subsection, the amount of the
31 proportionate-share contribution shall be calculated based

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1 upon the cumulative number of trips from the proposed
 2 development expected to reach roadways during the peak hour
 3 from the complete buildout of a stage or phase being approved,
 4 divided by the change in the peak hour maximum service volume
 5 of roadways resulting from construction of an improvement
 6 necessary to maintain the adopted level of service, multiplied
 7 by the construction cost, at the time of developer payment, of
 8 the improvement necessary to maintain the adopted level of
 9 service. For purposes of this subsection, "construction cost"
 10 includes all associated costs of the improvement.

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

13 197.303 Ad valorem tax deferral for recreational and
 14 commercial working waterfront properties.--

15 (3) The ordinance shall designate the percentage or
 16 amount of the deferral and the type and location of working
 17 waterfront property, including the type of public lodging
 18 establishments, for which deferrals may be granted, which may
 19 include any property meeting the provisions of s. 342.07(2),
 20 which property may be further required to be located within a
 21 particular geographic area or areas of the county or
 22 municipality.

23 Section 4. Section 342.07, Florida Statutes, is
 24 amended to read:

25 342.07 Recreational and commercial working
 26 waterfronts; legislative findings; definitions.--

27 (1) The Legislature recognizes that there is an
 28 important state interest in facilitating boating and other
 29 recreational access to the state's navigable waters. This
 30 access is vital to tourists and recreational users and the
 31 marine industry in the state, to maintaining or enhancing the

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1 \$57 billion economic impact of tourism and the \$14 billion
2 economic impact of boating in the state annually, and to
3 ensuring continued access to all residents and visitors to the
4 navigable waters of the state. The Legislature recognizes that
5 there is an important state interest in maintaining viable
6 water-dependent support facilities, such as public lodging
7 establishments and boat hauling and repairing and commercial
8 fishing facilities, and in maintaining the availability of
9 public access to the navigable waters of the state. The
10 Legislature further recognizes that the waterways of the state
11 are important for engaging in commerce and the transportation
12 of goods and people upon such waterways and that such commerce
13 and transportation is not feasible unless there is access to
14 and from the navigable waters of the state through
15 recreational and commercial working waterfronts.

16 (2) As used in this section, the term "recreational
17 and commercial working waterfront" means a parcel or parcels
18 of real property that provide access for water-dependent
19 commercial and recreational activities, including public
20 lodging establishments as defined in chapter 509, or provide
21 access for the public to the navigable waters of the state.
22 Recreational and commercial working waterfronts require direct
23 access to or a location on, over, or adjacent to a navigable
24 body of water. The term includes water-dependent facilities
25 that are open to the public and offer public access by vessels
26 to the waters of the state or that are support facilities for
27 recreational, commercial, research, or governmental vessels.
28 These facilities include public lodging establishments, docks,
29 wharfs, lifts, wet and dry marinas, boat ramps, boat hauling
30 and repair facilities, commercial fishing facilities, boat
31 construction facilities, and other support structures over the

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1 water. As used in this section, the term "vessel" has the same
2 meaning as in s. 327.02(37). Seaports are excluded from the
3 definition.

4 Section 5. Section 373.4132, Florida Statutes, is
5 created to read:

6 373.4132 Dry storage facility permitting.--The
7 governing board or the department shall require a permit under
8 this part, including s. 373.4145, for the construction,
9 alteration, operation, maintenance, abandonment, or removal of
10 a dry storage facility for 10 or more vessels that is
11 functionally associated with a boat launching area. As part of
12 an applicant's demonstration that such a facility will not be
13 harmful to the water resources and will not be inconsistent
14 with the overall objectives of the district, the governing
15 board or department shall require the applicant to provide
16 reasonable assurance that the secondary impacts from the
17 facility will not cause adverse impacts to the functions of
18 wetlands and surface waters, including violations of state
19 water quality standards applicable to waters as defined in s.
20 403.031(13), and will meet the public interest test of s.
21 373.414(1)(a), including the potential adverse impacts to
22 manatees. Nothing in this section shall affect the authority
23 of the governing board or the department to regulate such
24 secondary impacts under this part for other regulated
25 activities.

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

30 380.06 Developments of regional impact.--

31 (2) STATEWIDE GUIDELINES AND STANDARDS.--

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1 (d) The guidelines and standards shall be applied as
2 follows:

3 1. Fixed thresholds.--

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

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

10 c. Projects certified under s. 403.973 which create at
11 least 100 jobs and meet the criteria of the Office of Tourism,
12 Trade, and Economic Development as to their impact on an
13 area's economy, employment, and prevailing wage and skill
14 levels that are at or below 100 percent of the numerical
15 thresholds for industrial plants, industrial parks,
16 distribution, warehousing or wholesaling facilities, office
17 development or multiuse projects other than residential, as
18 described in s. 380.0651(3)(c), (d), and ~~(h)(i)~~, are not
19 required to undergo development-of-regional-impact review.

20 2. Rebuttable presumption.--It shall be presumed that
21 a development that is at 100 percent or between 100 and 120
22 percent of a numerical threshold shall be required to undergo
23 development-of-regional-impact review.

24 (4) BINDING LETTER.--

25 (a) If any developer is in doubt whether his or her
26 proposed development must undergo
27 development-of-regional-impact review under the guidelines and
28 standards, whether his or her rights have vested pursuant to
29 subsection (20), or whether a proposed substantial change to a
30 development of regional impact concerning which rights had
31 previously vested pursuant to subsection (20) would divest

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1 such rights, the developer may request a determination from
 2 the state land planning agency. The developer or the
 3 appropriate local government having jurisdiction may request
 4 that the state land planning agency determine whether the
 5 amount of development that remains to be built in an approved
 6 development of regional impact meets the criteria of
 7 subparagraph (15)(g)3.

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

23 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

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

27 (b) When possible, local governments shall issue
 28 development orders concurrently with any other local permits
 29 or development approvals that may be applicable to the
 30 proposed development.

31 (c) The development order shall include findings of

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1 fact and conclusions of law consistent with subsections (13)
2 and (14). The development order:

3 1. Shall specify the monitoring procedures and the
4 local official responsible for assuring compliance by the
5 developer with the development order.

6 2. Shall establish compliance dates for the
7 development order, including a deadline for commencing
8 physical development and for compliance with conditions of
9 approval or phasing requirements, and shall include a buildout
10 ~~termination~~ date that reasonably reflects the time anticipated
11 ~~required~~ to complete the development.

12 3. Shall establish a date until which the local
13 government agrees that the approved development of regional
14 impact shall not be subject to downzoning, unit density
15 reduction, or intensity reduction, unless the local government
16 can demonstrate that substantial changes in the conditions
17 underlying the approval of the development order have occurred
18 or the development order was based on substantially inaccurate
19 information provided by the developer or that the change is
20 clearly established by local government to be essential to the
21 public health, safety, or welfare. The date established
22 pursuant to this subparagraph shall be no sooner than the
23 buildout date of the project.

24 4. Shall specify the requirements for the biennial
25 report designated under subsection (18), including the date of
26 submission, parties to whom the report is submitted, and
27 contents of the report, based upon the rules adopted by the
28 state land planning agency. Such rules shall specify the scope
29 of any additional local requirements that may be necessary for
30 the report.

31 5. May specify the types of changes to the development

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1 which shall require submission for a substantial deviation
2 determination or a notice of proposed change under subsection
3 (19).

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

5 (d) Conditions of a development order that require a
6 developer to contribute land for a public facility or
7 construct, expand, or pay for land acquisition or construction
8 or expansion of a public facility, or portion thereof, shall
9 meet the following criteria:

10 1. The need to construct new facilities or add to the
11 present system of public facilities must be reasonably
12 attributable to the proposed development.

13 2. Any contribution of funds, land, or public
14 facilities required from the developer shall be comparable to
15 the amount of funds, land, or public facilities that the state
16 or the local government would reasonably expect to expend or
17 provide, based on projected costs of comparable projects, to
18 mitigate the impacts reasonably attributable to the proposed
19 development.

20 3. Any funds or lands contributed must be expressly
21 designated and used to mitigate impacts reasonably
22 attributable to the proposed development.

23 4. Construction or expansion of a public facility by a
24 nongovernmental developer as a condition of a development
25 order to mitigate the impacts reasonably attributable to the
26 proposed development is not subject to competitive bidding or
27 competitive negotiation for selection of a contractor or
28 design professional for any part of the construction or design
29 ~~unless required by the local government that issues the~~
30 ~~development order.~~

31 (e)1. ~~Effective July 1, 1986,~~ A local government shall

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1 not include, as a development order condition for a
 2 development of regional impact, any requirement that a
 3 developer contribute or pay for land acquisition or
 4 construction or expansion of public facilities or portions
 5 thereof unless the local government has enacted a local
 6 ordinance which requires other development not subject to this
 7 section to contribute its proportionate share of the funds,
 8 land, or public facilities necessary to accommodate any
 9 impacts having a rational nexus to the proposed development,
 10 and the need to construct new facilities or add to the present
 11 system of public facilities must be reasonably attributable to
 12 the proposed development.

13 2. A local government shall not approve a development
 14 of regional impact that does not make adequate provision for
 15 the public facilities needed to accommodate the impacts of the
 16 proposed development unless the local government includes in
 17 the development order a commitment by the local government to
 18 provide these facilities consistently with the development
 19 schedule approved in the development order; however, a local
 20 government's failure to meet the requirements of subparagraph
 21 1. and this subparagraph shall not preclude the issuance of a
 22 development order where adequate provision is made by the
 23 developer for the public facilities needed to accommodate the
 24 impacts of the proposed development. Any funds or lands
 25 contributed by a developer must be expressly designated and
 26 used to accommodate impacts reasonably attributable to the
 27 proposed development.

28 3. The Department of Community Affairs and other state
 29 and regional agencies involved in the administration and
 30 implementation of this act shall cooperate and work with units
 31 of local government in preparing and adopting local impact fee

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1 and other contribution ordinances.

2 (f) Notice of the adoption of a development order or
3 the subsequent amendments to an adopted development order
4 shall be recorded by the developer, in accordance with s.
5 28.222, with the clerk of the circuit court for each county in
6 which the development is located. The notice shall include a
7 legal description of the property covered by the order and
8 shall state which unit of local government adopted the
9 development order, the date of adoption, the date of adoption
10 of any amendments to the development order, the location where
11 the adopted order with any amendments may be examined, and
12 that the development order constitutes a land development
13 regulation applicable to the property. The recording of this
14 notice shall not constitute a lien, cloud, or encumbrance on
15 real property, or actual or constructive notice of any such
16 lien, cloud, or encumbrance. This paragraph applies only to
17 developments initially approved under this section after July
18 1, 1980.

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

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

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

29 3. The development of regional impact is essentially
30 built out, in that all the mitigation requirements in the
31 development order have been satisfied, all developers are in

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1 compliance with all applicable terms and conditions of the
 2 development order except the buildout date, and the amount of
 3 proposed development that remains to be built is less than 20
 4 percent of any applicable development-of-regional-impact
 5 threshold; or

6 ~~4.3.~~ The project has been determined to be an
 7 essentially built-out development of regional impact through
 8 an agreement executed by the developer, the state land
 9 planning agency, and the local government, in accordance with
 10 s. 380.032, which will establish the terms and conditions
 11 under which the development may be continued. If the project
 12 is determined to be essentially built out ~~built-out~~,
 13 development may proceed pursuant to the s. 380.032 agreement
 14 after the termination or expiration date contained in the
 15 development order without further
 16 development-of-regional-impact review subject to the local
 17 government comprehensive plan and land development regulations
 18 or subject to a modified development-of-regional-impact
 19 analysis. As used in this paragraph, an "essentially
 20 built-out" development of regional impact means:

21 a. The developers are ~~development is~~ in compliance
 22 with all applicable terms and conditions of the development
 23 order except the buildout ~~built-out~~ date; and

24 b.(I) The amount of development that remains to be
 25 built is less than the substantial deviation threshold
 26 specified in paragraph (19)(b) for each individual land use
 27 category, or, for a multiuse development, the sum total of all
 28 unbuilt land uses as a percentage of the applicable
 29 substantial deviation threshold is equal to or less than 100
 30 percent; or

31 (II) The state land planning agency and the local

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1 government have agreed in writing that the amount of
2 development to be built does not create the likelihood of any
3 additional regional impact not previously reviewed.

4
5 The single-family residential portions of a development may be
6 considered "essentially built out" if all of the workforce
7 housing obligations and all of the infrastructure and
8 horizontal development have been completed, at least 50
9 percent of the dwelling units have been completed, and more
10 than 80 percent of the lots have been conveyed to third-party
11 individual lot owners or to individual builders who own no
12 more than 40 lots at the time of the determination. The mobile
13 home park portions of a development may be considered
14 "essentially built out" if all the infrastructure and
15 horizontal development has been completed, and at least 50
16 percent of the lots are leased to individual mobile home
17 owners.

18 (h) If the property is annexed by another local
19 jurisdiction, the annexing jurisdiction shall adopt a new
20 development order that incorporates all previous rights and
21 obligations specified in the prior development order.

22 (19) SUBSTANTIAL DEVIATIONS.--

23 (a) Any proposed change to a previously approved
24 development which creates a reasonable likelihood of
25 additional regional impact, or any type of regional impact
26 created by the change not previously reviewed by the regional
27 planning agency, shall constitute a substantial deviation and
28 shall cause the proposed change ~~development~~ to be subject to
29 further development-of-regional-impact review. There are a
30 variety of reasons why a developer may wish to propose changes
31 to an approved development of regional impact, including

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1 changed market conditions. The procedures set forth in this
 2 subsection are for that purpose.

3 (b) Any proposed change to a previously approved
 4 development of regional impact or development order condition
 5 which, either individually or cumulatively with other changes,
 6 exceeds any of the following criteria shall constitute a
 7 substantial deviation and shall cause the development to be
 8 subject to further development-of-regional-impact review
 9 without the necessity for a finding of same by the local
 10 government:

11 1. An increase in the number of parking spaces at an
 12 attraction or recreational facility by 10 5 percent or 330 ~~300~~
 13 spaces, whichever is greater, or an increase in the number of
 14 spectators that may be accommodated at such a facility by 10 5
 15 percent or 1,100 ~~1,000~~ spectators, whichever is greater.

16 2. A new runway, a new terminal facility, a 25-percent
 17 lengthening of an existing runway, or a 25-percent increase in
 18 the number of gates of an existing terminal, but only if the
 19 increase adds at least three additional gates.

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

22 ~~3.4.~~ An increase in industrial development area by 10
 23 ~~5~~-percent or 35 ~~32~~ acres, whichever is greater.

24 ~~4.5.~~ An increase in the average annual acreage mined
 25 by 10 5 percent or 11 ~~10~~ acres, whichever is greater, or an
 26 increase in the average daily water consumption by a mining
 27 operation by 10 5 percent or 330,000 ~~300,000~~ gallons,
 28 whichever is greater. A net ~~An~~ increase in the size of the
 29 mine by 10 5 percent or 825 ~~750~~ acres, whichever is less. For
 30 purposes of calculating any net increases in size, only
 31 additions and deletions of lands that have not been mined

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1 shall be considered. An increase in the size of a heavy
2 mineral mine as defined in s. 378.403(7) will only constitute
3 a substantial deviation if the average annual acreage mined is
4 more than 550 ~~500~~ acres and consumes more than 3.3 ~~3~~ million
5 gallons of water per day.

6 ~~5.6.~~ An increase in land area for office development
7 by 10 ~~5~~ percent or an increase of gross floor area of office
8 development by 10 ~~5~~ percent or 66,000 ~~60,000~~ gross square
9 feet, whichever is greater.

10 ~~7.~~ ~~An increase in the storage capacity for chemical or~~
11 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~
12 ~~7 million pounds, whichever is greater.~~

13 ~~8.~~ ~~An increase of development at a waterport of wet~~
14 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~
15 ~~wet/dry storage for 60 watercraft in an area identified in the~~
16 ~~state marina siting plan as an appropriate site for additional~~
17 ~~waterport development or a 5-percent increase in watercraft~~
18 ~~storage capacity, whichever is greater.~~

19 ~~6.9.~~ An increase in the number of dwelling units by 10
20 ~~5~~-percent or 55 ~~50~~ dwelling units, whichever is greater.

21 7. An increase in the number of dwelling units by 50
22 percent or 200 units, whichever is greater, provided that 15
23 percent of the proposed additional dwelling units are
24 dedicated to affordable workforce housing, subject to a
25 recorded land use restriction, which includes resale
26 provisions and provision for the workforce housing to be
27 commenced prior to the completion of 50 percent of the market
28 rate dwelling. For purposes of this subparagraph, the term
29 "affordable workforce housing" means housing that is
30 affordable to a person who earns less than 120 percent of the
31 area median income, or less than 140 percent of the area

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

10 ~~8.10.~~ An increase in commercial development by 55,000
 11 ~~50,000~~ square feet of gross floor area or of parking spaces
 12 provided for customers for 330 ~~300~~ cars or a 10-percent
 13 ~~5-percent~~ increase of either of these, whichever is greater.

14 ~~9.11.~~ An increase in hotel or motel rooms ~~facility~~
 15 ~~units~~ by 10 5 percent or 83 rooms ~~75 units~~, whichever is
 16 greater.

17 ~~10.12.~~ An increase in a recreational vehicle park area
 18 by 10 5 percent or 110 ~~100~~ vehicle spaces, whichever is less.

19 ~~11.13.~~ A decrease in the area set aside for open space
 20 of 5 percent or 20 acres, whichever is less.

21 ~~12.14.~~ A proposed increase to an approved multiuse
 22 development of regional impact where the sum of the increases
 23 of each land use as a percentage of the applicable substantial
 24 deviation criteria is equal to or exceeds 110 ~~100~~ percent. The
 25 percentage of any decrease in the amount of open space shall
 26 be treated as an increase for purposes of determining when 110
 27 ~~100~~ percent has been reached or exceeded.

28 ~~13.15.~~ A 15-percent increase in the number of external
 29 vehicle trips generated by the development above that which
 30 was projected during the original
 31 development-of-regional-impact review.

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1 ~~14.16.~~ Any change which would result in development of
 2 any area which was specifically set aside in the application
 3 for development approval or in the development order for
 4 preservation or special protection of endangered or threatened
 5 plants or animals designated as endangered, threatened, or
 6 species of special concern and their habitat, any species
 7 protected by 16 U.S.C. s. 668a-668d, primary dunes, or
 8 archaeological and historical sites designated as significant
 9 by the Division of Historical Resources of the Department of
 10 State. The ~~further~~ refinement of the boundaries and
 11 configuration of such areas ~~by survey~~ shall be considered
 12 under sub-subparagraph~~(e)~~2.j. ~~(e)5.b.~~

13
 14 The substantial deviation numerical standards in subparagraphs
 15 3., 5., 8., 9., and 12. ~~4., 6., 10., 14.,~~ excluding
 16 residential uses, and in subparagraph 13. ~~15.,~~ are increased
 17 by 100 percent for a project certified under s. 403.973 which
 18 creates jobs and meets criteria established by the Office of
 19 Tourism, Trade, and Economic Development as to its impact on
 20 an area's economy, employment, and prevailing wage and skill
 21 levels. The substantial deviation numerical standards in
 22 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. ~~4., 6., 9.,~~
 23 ~~10., 11., and 14.~~ are increased by 50 percent for a project
 24 located wholly within an urban infill and redevelopment area
 25 designated on the applicable adopted local comprehensive plan
 26 future land use map and not located within the coastal high
 27 hazard area.

28 (c) An extension of the date of buildout of a
 29 development, or any phase thereof, by more than 7 ~~or more~~
 30 years shall be presumed to create a substantial deviation
 31 subject to further development-of-regional-impact review. An

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1 extension of the date of buildout, or any phase thereof, of
2 more than 5 years ~~or more~~ but not more ~~less~~ than 7 years shall
3 be presumed not to create a substantial deviation. The
4 extension of the date of buildout of an areawide development
5 of regional impact by more than 5 years but less than 10 years
6 is presumed not to create a substantial deviation. These
7 presumptions may be rebutted by clear and convincing evidence
8 at the public hearing held by the local government. An
9 extension of 5 years or less ~~than 5 years~~ is not a substantial
10 deviation. For the purpose of calculating when a buildout or
11 ~~phase, or termination~~ date has been exceeded, the time shall
12 be tolled during the pendency of administrative or judicial
13 proceedings relating to development permits. Any extension of
14 the buildout date of a project or a phase thereof shall
15 automatically extend the commencement date of the project, the
16 termination date of the development order, the expiration date
17 of the development of regional impact, and the phases thereof
18 if applicable by a like period of time.

19 (d) A change in the plan of development of an approved
20 development of regional impact resulting from requirements
21 imposed by the Department of Environmental Protection or any
22 water management district created by s. 373.069 or any of
23 their successor agencies or by any appropriate federal
24 regulatory agency shall be submitted to the local government
25 pursuant to this subsection. The change shall be presumed not
26 to create a substantial deviation subject to further
27 development-of-regional-impact review. The presumption may be
28 rebutted by clear and convincing evidence at the public
29 hearing held by the local government.

30 (e)1. Except for a development order rendered pursuant
31 to subsection (22) or subsection (25), a proposed change to a

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1 development order that individually or cumulatively with any
2 previous change is less than any numerical criterion contained
3 in subparagraphs (b)1.-13. ~~(b)1.-15.~~ and does not exceed any
4 other criterion, or that involves an extension of the buildout
5 date of a development, or any phase thereof, of less than 5
6 years is not subject to the public hearing requirements of
7 subparagraph (f)3., and is not subject to a determination
8 pursuant to subparagraph (f)5. Notice of the proposed change
9 shall be made to the regional planning council and the state
10 land planning agency. Such notice shall include a description
11 of previous individual changes made to the development,
12 including changes previously approved by the local government,
13 and shall include appropriate amendments to the development
14 order.

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

17 a. Changes in the name of the project, developer,
18 owner, or monitoring official.

19 b. Changes to a setback that do not affect noise
20 buffers, environmental protection or mitigation areas, or
21 archaeological or historical resources.

22 c. Changes to minimum lot sizes.

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

25 e. Changes to the building design or orientation that
26 stay approximately within the approved area designated for
27 such building and parking lot, and which do not affect
28 historical buildings designated as significant by the Division
29 of Historical Resources of the Department of State.

30 f. Changes to increase the acreage in the development,
31 provided that no development is proposed on the acreage to be

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1 added.

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

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

7 i. Any renovation or redevelopment of development
8 within a previously approved development of regional impact
9 which does not change land use or increase density or
10 intensity of use.

11 j. Changes that modify boundaries and configuration of
12 areas described in subparagraph (b)14. due to science-based
13 refinement of such areas by survey, by habitat evaluation, by
14 other recognized assessment methodology, or by an
15 environmental assessment. In order for changes to qualify
16 under this sub-subparagraph, the survey, habitat evaluation,
17 or assessment must occur prior to the time a conservation
18 easement protecting such lands is recorded and must not result
19 in any net decrease in the total acreage of the lands
20 specifically set aside for permanent preservation in the final
21 development order.

22 ~~k.j.~~ Any other change which the state land planning
23 agency, in consultation with the regional planning council,
24 agrees in writing is similar in nature, impact, or character
25 to the changes enumerated in sub-subparagraphs a.-j. ~~a.-i.~~ and
26 which does not create the likelihood of any additional
27 regional impact.

28
29 This subsection does not require the filing of a notice of
30 proposed change but shall require an application to the local
31 government to amend the development order in accordance with

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1 the local government's procedures for amendment of a
2 development order. In accordance with the local government's
3 procedures, including requirements for notice to the applicant
4 and the public, the local government shall either deny the
5 application for amendment or adopt an amendment to the
6 development order which approves the application with or
7 without conditions. Following adoption, the local government
8 shall render to the state land planning agency the amendment
9 to the development order. The state land planning agency may
10 appeal, pursuant to s. 380.07(3), the amendment to the
11 development order if the amendment involves sub-subparagraph
12 g., sub-subparagraph h., sub-subparagraph j., or
13 sub-subparagraph k. and it believes the change creates a
14 reasonable likelihood of new or additional regional impacts a
15 ~~development order amendment for any change listed in~~
16 ~~sub-subparagraphs a. j. unless such issue is addressed either~~
17 ~~in the existing development order or in the application for~~
18 ~~development approval, but, in the case of the application,~~
19 ~~only if, and in the manner in which, the application is~~
20 ~~incorporated in the development order.~~

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

27 4. Any submittal of a proposed change to a previously
28 approved development shall include a description of individual
29 changes previously made to the development, including changes
30 previously approved by the local government. The local
31 government shall consider the previous and current proposed

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1 changes in deciding whether such changes cumulatively
2 constitute a substantial deviation requiring further
3 development-of-regional-impact review.

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

8 a. A change proposed for 15 percent or more of the
9 acreage to a land use not previously approved in the
10 development order. Changes of less than 15 percent shall be
11 presumed not to create a substantial deviation.

12 ~~b. Except for the types of uses listed in subparagraph~~
13 ~~(b)16., any change which would result in the 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, buffers, or special protection, including~~
17 ~~habitat for plant and animal species, archaeological and~~
18 ~~historical sites, dunes, and other special areas.~~

19 ~~b.c.~~ Notwithstanding any provision of paragraph (b) to
20 the contrary, a proposed change consisting of simultaneous
21 increases and decreases of at least two of the uses within an
22 authorized multiuse development of regional impact which was
23 originally approved with three or more uses specified in s.
24 380.0651(3)(c), (d), ~~(e)(f)~~, and ~~(f)(g)~~ and residential use.

25 (f)1. The state land planning agency shall establish
26 by rule standard forms for submittal of proposed changes to a
27 previously approved development of regional impact which may
28 require further development-of-regional-impact review. At a
29 minimum, the standard form shall require the developer to
30 provide the precise language that the developer proposes to
31 delete or add as an amendment to the development order.

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1 2. The developer shall submit, simultaneously, to the
 2 local government, the regional planning agency, and the state
 3 land planning agency the request for approval of a proposed
 4 change.

5 3. No sooner than 30 days but no later than 45 days
 6 after submittal by the developer to the local government, the
 7 state land planning agency, and the appropriate regional
 8 planning agency, the local government shall give 15 days'
 9 notice and schedule a public hearing to consider the change
 10 that the developer asserts does not create a substantial
 11 deviation. This public hearing shall be held within 60 ~~90~~ days
 12 after submittal of the proposed changes, unless that time is
 13 extended by the developer.

14 4. The appropriate regional planning agency or the
 15 state land planning agency shall review the proposed change
 16 and, no later than 45 days after submittal by the developer of
 17 the proposed change, unless that time is extended by the
 18 developer, and prior to the public hearing at which the
 19 proposed change is to be considered, shall advise the local
 20 government in writing whether it objects to the proposed
 21 change, shall specify the reasons for its objection, if any,
 22 and shall provide a copy to the developer.

23 5. At the public hearing, the local government shall
 24 determine whether the proposed change requires further
 25 development-of-regional-impact review. The provisions of
 26 paragraphs (a) and (e), the thresholds set forth in paragraph
 27 (b), and the presumptions set forth in paragraphs (c) and (d)
 28 and subparagraph (e)3. shall be applicable in determining
 29 whether further development-of-regional-impact review is
 30 required.

31 6. If the local government determines that the

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1 proposed change does not require further
2 development-of-regional-impact review and is otherwise
3 approved, or if the proposed change is not subject to a
4 hearing and determination pursuant to subparagraphs 3. and 5.
5 and is otherwise approved, the local government shall issue an
6 amendment to the development order incorporating the approved
7 change and conditions of approval relating to the change. The
8 requirement that a change be otherwise approved shall not be
9 construed to require additional local review or approval if
10 the change is allowed by applicable local ordinances without
11 further local review or approval. The decision of the local
12 government to approve, with or without conditions, or to deny
13 the proposed change that the developer asserts does not
14 require further review shall be subject to the appeal
15 provisions of s. 380.07. However, the state land planning
16 agency may not appeal the local government decision if it did
17 not comply with subparagraph 4. The state land planning agency
18 may not appeal a change to a development order made pursuant
19 to subparagraph (e)1. or subparagraph (e)2. for developments
20 of regional impact approved after January 1, 1980, unless the
21 change would result in a significant impact to a regionally
22 significant archaeological, historical, or natural resource
23 not previously identified in the original
24 development-of-regional-impact review.

25 (g) If a proposed change requires further
26 development-of-regional-impact review pursuant to this
27 section, the review shall be conducted subject to the
28 following additional conditions:

- 29 1. The development-of-regional-impact review conducted
30 by the appropriate regional planning agency shall address only
31 those issues raised by the proposed change except as provided

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1 in subparagraph 2.

2 2. The regional planning agency shall consider, and
3 the local government shall determine whether to approve,
4 approve with conditions, or deny the proposed change as it
5 relates to the entire development. If the local government
6 determines that the proposed change, as it relates to the
7 entire development, is unacceptable, the local government
8 shall deny the change.

9 3. If the local government determines that the
10 proposed change, ~~as it relates to the entire development,~~
11 should be approved, any new conditions in the amendment to the
12 development order issued by the local government shall address
13 only those issues raised by the proposed change and require
14 mitigation only for the individual and cumulative impacts of
15 the proposed change.

16 4. Development within the previously approved
17 development of regional impact may continue, as approved,
18 during the development-of-regional-impact review in those
19 portions of the development which are not directly affected by
20 the proposed change.

21 (h) When further development-of-regional-impact review
22 is required because a substantial deviation has been
23 determined or admitted by the developer, the amendment to the
24 development order issued by the local government shall be
25 consistent with the requirements of subsection (15) and shall
26 be subject to the hearing and appeal provisions of s. 380.07.
27 The state land planning agency or the appropriate regional
28 planning agency need not participate at the local hearing in
29 order to appeal a local government development order issued
30 pursuant to this paragraph.

31 (i) An increase in the number of residential dwelling

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1 units shall not constitute a substantial deviation and shall
2 not be subject to development-of-regional-impact review for
3 additional impacts provided that all the residential dwelling
4 units are dedicated to affordable workforce housing, subject
5 to a recorded land use restriction, which includes resale
6 provisions. For purposes of this paragraph, the term
7 "affordable workforce housing" means housing that is
8 affordable to a person who earns less than 120 percent of the
9 area median income, or less than 140 percent of the area
10 median income if located in a county in which the median
11 purchase price for a single-family existing home exceeds the
12 statewide median purchase price of a single-family existing
13 home. For purposes of this paragraph, the term "statewide
14 median purchase price of a single-family existing home" means
15 the statewide purchase price as determined in the Florida
16 Sales Report, Single-Family Existing Homes, released each
17 January by the Florida Association of Realtors and the
18 University of Florida Real Estate Research Center.

19 (24) STATUTORY EXEMPTIONS.--

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

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

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

31 1. It would not operate concurrently with the

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1 scheduled hours of operation of the existing facility.

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

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

6
7 This exemption does not apply to any pari-mutuel facility.

8 (d) Any proposed addition or cumulative additions
9 subsequent to July 1, 1988, to an existing sports facility
10 complex owned by a state university is exempt if the increased
11 seating capacity of the complex is no more than 30 percent of
12 the capacity of the existing facility.

13 (e) Any addition of permanent seats or parking spaces
14 for an existing sports facility located on property owned by a
15 public body prior to July 1, 1973, is exempt from the
16 provisions of this section if future additions do not expand
17 existing permanent seating or parking capacity more than 15
18 percent annually in excess of the prior year's capacity.

19 (f) Any increase in the seating capacity of an
20 existing sports facility having a permanent seating capacity
21 of at least 50,000 spectators is exempt from the provisions of
22 this section, provided that such an increase does not increase
23 permanent seating capacity by more than 5 percent per year and
24 not to exceed a total of 10 percent in any 5-year period, and
25 provided that the sports facility notifies the appropriate
26 local government within which the facility is located of the
27 increase at least 6 months prior to the initial use of the
28 increased seating, in order to permit the appropriate local
29 government to develop a traffic management plan for the
30 traffic generated by the increase. Any traffic management plan
31 shall be consistent with the local comprehensive plan, the

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1 regional policy plan, and the state comprehensive plan.

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

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

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

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

16 2. The local government having jurisdiction of the
17 sports facility includes in the development order or
18 development permit approving such expansion under this
19 paragraph a finding of fact that the proposed expansion is
20 consistent with the transportation, water, sewer and
21 stormwater drainage provisions of the approved local
22 comprehensive plan and local land development regulations
23 relating to those provisions.

24
25 Any owner or developer who intends to rely on this statutory
26 exemption shall provide to the department a copy of the local
27 government application for a development permit. Within 45
28 days of receipt of the application, the department shall
29 render to the local government an advisory and nonbinding
30 opinion, in writing, stating whether, in the department's
31 opinion, the prescribed conditions exist for an exemption

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1 under this paragraph. The local government shall render the
 2 development order approving each such expansion to the
 3 department. The owner, developer, or department may appeal the
 4 local government development order pursuant to s. 380.07,
 5 within 45 days after the order is rendered. The scope of
 6 review shall be limited to the determination of whether the
 7 conditions prescribed in this paragraph exist. If any sports
 8 facility expansion undergoes development of regional impact
 9 review, all previous expansions which were exempt under this
 10 paragraph shall be included in the development of regional
 11 impact review.

12 (h) Expansion to port harbors, spoil disposal sites,
 13 navigation channels, turning basins, harbor berths, and other
 14 related inwater harbor facilities of ports listed in s.
 15 403.021(9)(b), port transportation facilities and projects
 16 listed in s. 311.07(3)(b), and intermodal transportation
 17 facilities identified pursuant to s. 311.09(3) are exempt from
 18 the provisions of this section when such expansions, projects,
 19 or facilities are consistent with comprehensive master plans
 20 that are in compliance with the provisions of s. 163.3178.

21 (i) Any proposed facility for the storage of any
 22 petroleum product or any expansion of an existing facility is
 23 exempt from the provisions of this section, ~~if the facility is~~
 24 ~~consistent with a local comprehensive plan that is in~~
 25 ~~compliance with s. 163.3177 or is consistent with a~~
 26 ~~comprehensive port master plan that is in compliance with s.~~
 27 ~~163.3178.~~

28 (j) Any renovation or redevelopment within the same
 29 land parcel which does not change land use or increase density
 30 or intensity of use.

31 (k) ~~1-~~ Waterport and marina development, including dry

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1 storage facilities, are exempt from the provisions of this
2 section ~~Any waterport or marina development is exempt from the~~
3 ~~provisions of this section if the relevant county or~~
4 ~~municipality has adopted a boating facility siting plan or~~
5 ~~policy which includes applicable criteria, considering such~~
6 ~~factors as natural resources, manatee protection needs and~~
7 ~~recreation and economic demands as generally outlined in the~~
8 ~~Bureau of Protected Species Management Boat Facility Siting~~
9 ~~Guide, dated August 2000, into the coastal management or land~~
10 ~~use element of its comprehensive plan. The adoption of boating~~
11 ~~facility siting plans or policies into the comprehensive plan~~
12 ~~is exempt from the provisions of s. 163.3187(1). Any waterport~~
13 ~~or marina development within the municipalities or counties~~
14 ~~with boating facility siting plans or policies that meet the~~
15 ~~above criteria, adopted prior to April 1, 2002, are exempt~~
16 ~~from the provisions of this section, when their boating~~
17 ~~facility siting plan or policy is adopted as part of the~~
18 ~~relevant local government's comprehensive plan.~~

19 ~~2. Within 6 months of the effective date of this law,~~
20 ~~The Department of Community Affairs, in conjunction with the~~
21 ~~Department of Environmental Protection and the Florida Fish~~
22 ~~and Wildlife Conservation Commission, shall provide technical~~
23 ~~assistance and guidelines, including model plans, policies and~~
24 ~~criteria to local governments for the development of their~~
25 ~~siting plans.~~

26 (1) Any proposed development within an urban service
27 boundary established under s. 163.3177(14) is exempt from the
28 provisions of this section if the local government having
29 jurisdiction over the area where the development is proposed
30 has adopted the urban service boundary, ~~and~~ has entered into a
31 binding agreement with ~~adjacent~~ jurisdictions that would be

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1 impacted and with the Department of Transportation regarding
2 the mitigation of impacts on state and regional transportation
3 facilities, and has adopted a proportionate share methodology
4 pursuant to s. 163.3180(16).

5 (m) Any proposed development within a rural land
6 stewardship area created under s. 163.3177(11)(d) is exempt
7 from the provisions of this section if the local government
8 that has adopted the rural land stewardship area has entered
9 into a binding agreement with jurisdictions that would be
10 impacted and the Department of Transportation regarding the
11 mitigation of impacts on state and regional transportation
12 facilities, and has adopted a proportionate share methodology
13 pursuant to s. 163.3180(16).

14 (n) Any proposed development or redevelopment within
15 an area designated as an urban infill and redevelopment area
16 under s. 163.2517 is exempt from ~~the provisions of~~ this
17 section if the local government has entered into a binding
18 agreement with jurisdictions that would be impacted and the
19 Department of Transportation regarding the mitigation of
20 impacts on state and regional transportation facilities, and
21 has adopted a proportionate share methodology pursuant to s.
22 163.3180(16).

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

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

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

30 (r) Any development identified in an airport master
31 plan and adopted into the comprehensive plan pursuant to s.

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1 163.3177(6)(k) is exempt from this section.

2 (s) Any development identified in a campus master plan
3 and adopted pursuant to s. 1013.30 is exempt from this
4 section.

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

8
9 If a use is exempt from review as a development of regional
10 impact under paragraphs (a)-(t) but will be part of a larger
11 project that is subject to review as a development of regional
12 impact, the impact of the exempt use must be included in the
13 review of the larger project.

14 (28) PARTIAL STATUTORY EXEMPTIONS.--

15 (a) If the binding agreement referenced under
16 paragraph (24)(l) for urban service boundaries is not entered
17 into within 12 months after establishment of the urban service
18 boundary, the development-of-regional-impact review for
19 projects within the urban service boundary must address
20 transportation impacts only.

21 (b) If the binding agreement referenced under
22 paragraph (24)(m) for rural land stewardship areas is not
23 entered into within 12 months after the designation of a rural
24 land stewardship area, the development-of-regional-impact
25 review for projects within the rural land stewardship area
26 must address transportation impacts only.

27 (c) If the binding agreement referenced under
28 paragraph (24)(n) for designated urban infill and
29 redevelopment areas is not entered into within 12 months after
30 the designation of the area or July 1, 2007, whichever occurs
31 later, the development-of-regional-impact review for projects

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1 within the urban infill and redevelopment area must address
2 transportation impacts only.

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

17 (e) The vesting provision of s. 163.3167(8) relating
18 to an authorized development of regional impact shall not
19 apply to those projects partially exempt from the
20 development-of-regional-impact review process under paragraphs
21 (a)-(d).

22 Section 7. Paragraphs (d) and (e) of subsection (3) of
23 section 380.0651, Florida Statutes, are amended, paragraphs
24 (f) through (i) are redesignated as paragraphs (e) through
25 (h), respectively, paragraph (j) is redesignated as paragraph
26 (i) and amended, and a new paragraph (j) is added to that
27 subsection, to read:

28 380.0651 Statewide guidelines and standards.--

29 (3) The following statewide guidelines and standards
30 shall be applied in the manner described in s. 380.06(2) to
31 determine whether the following developments shall be required

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1 to undergo development-of-regional-impact review:

2 (d) Office development.--Any proposed office building
3 or park operated under common ownership, development plan, or
4 management that:

5 1. Encompasses 300,000 or more square feet of gross
6 floor area; or

7 2. Encompasses more than 600,000 square feet of gross
8 floor area in a county with a population greater than 500,000
9 and only in a geographic area specifically designated as
10 highly suitable for increased threshold intensity in the
11 approved local comprehensive plan ~~and in the strategic~~
12 ~~regional policy plan.~~

13 ~~(e) Port facilities.--The proposed construction of any~~
14 ~~waterport or marina is required to undergo~~
15 ~~development-of-regional-impact review, except one designed~~
16 ~~for:~~

17 1.a. ~~The wet storage or mooring of fewer than 150~~
18 ~~watercraft used exclusively for sport, pleasure, or commercial~~
19 ~~fishing, or~~

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

22 c. ~~The wet or dry storage or mooring of fewer than 150~~
23 ~~watercraft on or adjacent to an inland freshwater lake except~~
24 ~~Lake Okeechobee or any lake which has been designated an~~
25 ~~Outstanding Florida Water, or~~

26 d. ~~The wet or dry storage or mooring of fewer than 50~~
27 ~~watercraft of 40 feet in length or less of any type or~~
28 ~~purpose. The exceptions to this paragraph's requirements for~~
29 ~~development-of-regional-impact review shall not apply to any~~
30 ~~waterport or marina facility located within or which serves~~
31 ~~physical development located within a coastal barrier resource~~

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1 ~~unit on an unbridged barrier island designated pursuant to 16~~
2 ~~U.S.C. s. 3501.~~

3
4 ~~In addition to the foregoing, for projects for which no~~
5 ~~environmental resource permit or sovereign submerged land~~
6 ~~lease is required, the Department of Environmental Protection~~
7 ~~must determine in writing that a proposed marina in excess of~~
8 ~~10 slips or storage spaces or a combination of the two is~~
9 ~~located so that it will not adversely impact Outstanding~~
10 ~~Florida Waters or Class II waters and will not contribute boat~~
11 ~~traffic in a manner that will have an adverse impact on an~~
12 ~~area known to be, or likely to be, frequented by manatees. If~~
13 ~~the Department of Environmental Protection fails to issue its~~
14 ~~determination within 45 days of receipt of a formal written~~
15 ~~request, it has waived its authority to make such~~
16 ~~determination. The Department of Environmental Protection~~
17 ~~determination shall constitute final agency action pursuant to~~
18 ~~chapter 120.~~

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

22 ~~3. Any proposed marina development with both wet and~~
23 ~~dry mooring or storage used exclusively for sport, pleasure,~~
24 ~~or commercial fishing, where the sum of percentages of the~~
25 ~~applicable wet and dry mooring or storage thresholds equals~~
26 ~~100 percent. This threshold is in addition to, and does not~~
27 ~~preclude, a development from being required to undergo~~
28 ~~development of regional impact review under sub-subparagraphs~~
29 ~~1.a. and b. and subparagraph 2.~~

30 ~~(i)(j) Residential development.--No rule may be~~
31 ~~adopted concerning residential developments which treats a~~

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1 residential development in one county as being located in a
 2 less populated adjacent county unless more than 25 percent of
 3 the development is located within 2 or less miles of the less
 4 populated adjacent county. The residential thresholds of
 5 adjacent counties with less population and a lower threshold
 6 shall not be controlling on any development wholly located
 7 within a municipality in a rural county of economic concern.

8 (j) Workforce housing.--The applicable guidelines for
 9 residential development and the residential component for
 10 multiuse development shall be increased by 50 percent where
 11 the developer demonstrates that at least 15 percent of the
 12 total residential dwelling units authorized within the
 13 development of regional impact will be dedicated to affordable
 14 workforce housing, subject to a recorded land use restriction,
 15 which includes resale provisions and provisions for the
 16 workforce housing to be commenced prior to the completion of
 17 50 percent of the market rate dwelling. For purposes of this
 18 paragraph, the term "affordable workforce housing" means
 19 housing that is affordable to a person who earns less than 120
 20 percent of the area median income, or less than 140 percent of
 21 the area median income if located in a county in which the
 22 median purchase price for a single-family existing home
 23 exceeds the statewide median purchase price of a single-family
 24 existing home. For the purposes of this paragraph, the term
 25 "statewide median purchase price of a single-family existing
 26 home" means the statewide purchase price as determined in the
 27 Florida Sales Report, Single-Family Existing Homes, released
 28 each January by the Florida Association of Realtors and the
 29 University of Florida Real Estate Research Center.

30 Section 8. Section 380.07, Florida Statutes, is
 31 amended to read:

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1 380.07 Florida Land and Water Adjudicatory

2 Commission.--

3 (1) There is hereby created the Florida Land and Water
4 Adjudicatory Commission, which shall consist of the
5 Administration Commission. The commission may adopt rules
6 necessary to ensure compliance with the area of critical state
7 concern program and the requirements for developments of
8 regional impact as set forth in this chapter.

9 (2) Whenever any local government issues any
10 development order in any area of critical state concern, or in
11 regard to any development of regional impact, copies of such
12 orders as prescribed by rule by the state land planning agency
13 shall be transmitted to the state land planning agency, the
14 regional planning agency, and the owner or developer of the
15 property affected by such order. The state land planning
16 agency shall adopt rules describing development order
17 rendition and effectiveness in designated areas of critical
18 state concern. Within 45 days after the order is rendered, the
19 owner, the developer, or the state land planning agency may
20 appeal the order to the Florida Land and Water Adjudicatory
21 Commission by filing a petition alleging that the development
22 order is not consistent with the provisions of this part
23 ~~notice of appeal with the commission~~. The appropriate regional
24 planning agency by vote at a regularly scheduled meeting may
25 recommend that the state land planning agency undertake an
26 appeal of a development-of-regional-impact development order.
27 Upon the request of an appropriate regional planning council,
28 affected local government, or any citizen, the state land
29 planning agency shall consider whether to appeal the order and
30 shall respond to the request within the 45-day appeal period.

31 ~~Any appeal taken by a regional planning agency between March~~

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1 ~~1, 1993, and the effective date of this section may only be~~
 2 ~~continued if the state land planning agency has also filed an~~
 3 ~~appeal. Any appeal initiated by a regional planning agency on~~
 4 ~~or before March 1, 1993, shall continue until completion of~~
 5 ~~the appeal process and any subsequent appellate review, as if~~
 6 ~~the regional planning agency were authorized to initiate the~~
 7 ~~appeal.~~

8 (3) Notwithstanding any other provision of law, an
 9 appeal of a development order by the state land planning
 10 agency under this section may include consistency of the
 11 development order with the local comprehensive plan. However,
 12 if a development order relating to a development of regional
 13 impact has been challenged in a proceeding under s. 163.3215
 14 and a party to the proceeding serves notice to the state land
 15 planning agency of the pending proceeding under s. 163.3215,
 16 the state land planning agency shall:

17 (a) Raise its consistency issues by intervening as a
 18 full party in the pending proceeding under s. 163.3215 within
 19 30 days after service of the notice; and

20 (b) Dismiss the consistency issues from the
 21 development order appeal.

22 (4) The appellant shall furnish a copy of the petition
 23 to the opposing party, as the case may be, and to the local
 24 government that issued the order. The filing of the petition
 25 stays the effectiveness of the order until after the
 26 completion of the appeal process.

27 (5)(3) The 45-day appeal period for a development of
 28 regional impact within the jurisdiction of more than one local
 29 government shall not commence until after all the local
 30 governments having jurisdiction over the proposed development
 31 of regional impact have rendered their development orders. The

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

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

13 ~~(7)(5)~~ The Florida Land and Water Adjudicatory
 14 Commission shall issue a decision granting or denying
 15 permission to develop pursuant to the standards of this
 16 chapter and may attach conditions and restrictions to its
 17 decisions.

18 ~~(8)(6)~~ If an appeal is filed with respect to any
 19 issues within the scope of a permitting program authorized by
 20 chapter 161, chapter 373, or chapter 403 and for which a
 21 permit or conceptual review approval has been obtained prior
 22 to the issuance of a development order, any such issue shall
 23 be specifically identified in the notice of appeal which is
 24 filed pursuant to this section, together with other issues
 25 which constitute grounds for the appeal. The appeal may
 26 proceed with respect to issues within the scope of permitting
 27 programs for which a permit or conceptual review approval has
 28 been obtained prior to the issuance of a development order
 29 only after the commission determines by majority vote at a
 30 regularly scheduled commission meeting that statewide or
 31 regional interests may be adversely affected by the

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1 development. In making this determination, there shall be a
 2 rebuttable presumption that statewide and regional interests
 3 relating to issues within the scope of the permitting programs
 4 for which a permit or conceptual approval has been obtained
 5 are not adversely affected.

6 Section 9. Section 380.115, Florida Statutes, is
 7 amended to read:

8 380.115 Vested rights and duties; effect of size
 9 reduction, changes in guidelines and standards ~~chs. 2002-20~~
 10 ~~and 2002-296.--~~

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

23 (a) The development shall continue to be governed by
 24 the development-of-regional-impact development order and may
 25 be completed in reliance upon and pursuant to the development
 26 order unless the developer or landowner has followed the
 27 procedures for rescission in paragraph (b). Any proposed
 28 changes to those developments which continue to be governed by
 29 a development order shall be approved pursuant to s.
 30 380.06(19) as it existed prior to a change in the
 31 development-of-regional-impact guidelines and standards except

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1 that all percentage criteria shall be doubled and all other
 2 criteria shall be increased by 10 percent. The
 3 development-of-regional-impact development order may be
 4 enforced by the local government as provided by ss. 380.06(17)
 5 and 380.11.

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

12 (2) A development with an application for development
 13 approval pending, ~~and determined sufficient~~ pursuant to s.
 14 380.06 ~~s. 380.06(10)~~, on the effective date of a change to the
 15 guidelines and standards ~~this act~~, or a notification of
 16 proposed change pending on the effective date of a change to
 17 the guidelines and standards ~~this act~~, may elect to continue
 18 such review pursuant to s. 380.06. At the conclusion of the
 19 pending review, including any appeals pursuant to s. 380.07,
 20 the resulting development order shall be governed by the
 21 provisions of subsection (1).

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

29 Section 10. Paragraph (i) of subsection (2) of section
 30 403.813, Florida Statutes, is amended to read:

31 403.813 Permits issued at district centers;

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1 exceptions.--

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

14 (i) The construction of private docks of 1,000 square
15 feet or less of over-water surface area and seawalls in
16 artificially created waterways where such construction will
17 not violate existing water quality standards, impede
18 navigation, or affect flood control. This exemption does not
19 apply to the construction of vertical seawalls in estuaries or
20 lagoons unless the proposed construction is within an existing
21 manmade canal where the shoreline is currently occupied in
22 whole or part by vertical seawalls.

23 Section 11. This act shall take effect July 1, 2006.

24
25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29
30 and insert:

31 A bill to be entitled

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1 An act relating to growth management; amending
2 s. 163.3177, F.S.; encouraging local
3 governments to adopt boating facility siting
4 plans or policies; providing criteria and
5 exemptions for such plans and policies;
6 authorizing assistance for the development of
7 such plans and policies; revising guidelines
8 for determining rural land use credits;
9 amending s. 163.3180, F.S.; conforming a
10 cross-reference; amending s. 197.303, F.S.;
11 revising the criteria for ad valorem tax
12 deferral for working waterfront properties;
13 including public lodging establishments in the
14 description of working waterfront properties;
15 amending s. 342.07, F.S.; adding recreational
16 activities as an important state interest;
17 including public lodging establishments within
18 the definition of the term "recreational and
19 commercial working waterfront"; creating s.
20 373.4132, F.S.; directing water management
21 district governing boards and the Department of
22 Environmental Protection to require permits for
23 certain activities relating to certain dry
24 storage facilities; providing criteria for
25 application of such permits; preserving
26 regulatory authority for the department and
27 governing boards; amending s. 380.06, F.S.;
28 providing for the state land planning agency to
29 determine the amount of development that
30 remains to be built in certain circumstances;
31 specifying certain requirements for a

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1 development order; revising the circumstances
2 in which a local government may issue permits
3 for development subsequent to the buildout
4 date; revising the definition of an essentially
5 built-out development; revising the criteria
6 under which a proposed change constitutes a
7 substantial deviation; providing criteria for
8 calculating certain deviations; clarifying the
9 criteria under which the extension of a
10 buildout date is presumed to create a
11 substantial deviation; requiring that notice of
12 any change to certain set-aside areas be
13 submitted to the local government; requiring
14 that notice of certain changes be given to the
15 state land planning agency, regional planning
16 agency, and local government; revising the
17 statutory exemptions from
18 development-of-regional-impact review for
19 certain facilities; removing waterport and
20 marina developments from
21 development-of-regional-impact review;
22 providing statutory exemptions and partial
23 statutory exemptions for the development of
24 certain facilities; providing that the impacts
25 from an exempt use that will be part of a
26 larger project be included in the
27 development-of-regional-impact review of the
28 larger project; providing that vesting
29 provisions relating to authorized developments
30 of regional impact are not applicable to
31 certain projects; amending s. 380.0651, F.S.;

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

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