

## CHAMBER ACTION

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1 The Local Government Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to growth management; amending s. 380.06,  
7 F.S.; providing for the state land planning agency to  
8 determine the amount of development that remains to be  
9 built in certain circumstances; specifying certain  
10 requirements for a development order; revising the  
11 circumstances in which a local government may issue  
12 permits for development subsequent to the buildout date;  
13 revising the definition of an essentially built-out  
14 development; revising the criteria under which a proposed  
15 change constitutes a substantial deviation; clarifying the  
16 criteria under which the extension of a buildout date is  
17 presumed to create a substantial deviation; requiring  
18 notice of any change to certain set-aside areas be  
19 submitted to the local government; requiring that notice  
20 of certain changes be given to the state land planning  
21 agency, regional planning agency, and local government;  
22 requiring 45 days' notice to specified entities and  
23 publication of a public notice for certain proposed

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24 | changes; requiring that a memorandum of notice of certain  
25 | changes be filed with the clerk of court; revising the  
26 | requirement for further development-of-regional-impact  
27 | review of a proposed change; revising the statutory  
28 | exemptions from development-of-regional-impact review for  
29 | certain facilities; providing statutory exemptions for the  
30 | development of certain facilities; providing that the  
31 | impacts from an exempt use that will be part of a larger  
32 | project be included in the development-of-regional-impact  
33 | review of the larger project; amending s. 380.0651, F.S.;  
34 | revising the statewide guidelines and standards for  
35 | development-of-regional-impact review of certain types of  
36 | developments; allowing the state land planning agency to  
37 | consider the impacts of independent developments of  
38 | regional impact cumulatively under certain circumstances;  
39 | amending s. 380.07, F.S.; eliminating the appeal of  
40 | development orders within a development of regional impact  
41 | to the Florida Land and Water Adjudicatory Commission;  
42 | amending s. 380.115, F.S.; providing that a change in a  
43 | development-of-regional-impact guideline and standard does  
44 | not abridge or modify any vested right or duty under a  
45 | development order; providing a process for the rescission  
46 | of a development order by the local government in certain  
47 | circumstances; providing an exemption for certain  
48 | applications for development approval and notices of  
49 | proposed changes; amending s. 342.07, F.S.; adding  
50 | recreational activities as an important state interest;  
51 | including public lodging establishments within the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 definition of the term "recreational and commercial  
53 working waterfront"; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Paragraphs (a) and (i) of subsection (4) and  
58 subsections (15), (19), and (24) of section 380.06, Florida  
59 Statutes, are amended, and subsection (28) is added to that  
60 section, to read:

61 380.06 Developments of regional impact.--

62 (4) BINDING LETTER.--

63 (a) If any developer is in doubt whether his or her  
64 proposed development must undergo development-of-regional-impact  
65 review under the guidelines and standards, whether his or her  
66 rights have vested pursuant to subsection (20), or whether a  
67 proposed substantial change to a development of regional impact  
68 concerning which rights had previously vested pursuant to  
69 subsection (20) would divest such rights, the developer may  
70 request a determination from the state land planning agency. The  
71 developer or the appropriate local government having  
72 jurisdiction may request that the state land planning agency  
73 determine whether the amount of development that remains to be  
74 built in an approved development of regional impact meets the  
75 criteria of subparagraph (15)(g)3.

76 (i) In response to an inquiry from a developer or the  
77 appropriate local government having jurisdiction, the state land  
78 planning agency may issue an informal determination in the form  
79 of a clearance letter as to whether a development is required to

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80 | undergo development-of-regional-impact review, or whether the  
 81 | amount of development that remains to be built in an approved  
 82 | development of regional impact meets the criteria of  
 83 | subparagraph (15)(g)3. A clearance letter may be based solely on  
 84 | the information provided by the developer, and the state land  
 85 | planning agency is not required to conduct an investigation of  
 86 | that information. If any material information provided by the  
 87 | developer is incomplete or inaccurate, the clearance letter is  
 88 | not binding upon the state land planning agency. A clearance  
 89 | letter does not constitute final agency action.

90 | (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

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

94 | (b) When possible, local governments shall issue  
 95 | development orders concurrently with any other local permits or  
 96 | development approvals that may be applicable to the proposed  
 97 | development.

98 | (c) The development order shall include findings of fact  
 99 | and conclusions of law consistent with subsections (13) and  
 100 | (14). The development order:

101 | 1. Shall specify the monitoring procedures and the local  
 102 | official responsible for assuring compliance by the developer  
 103 | with the development order.

104 | 2. Shall establish compliance dates for the development  
 105 | order, including a deadline for commencing physical development  
 106 | and for compliance with conditions of approval or phasing  
 107 | requirements, and shall include a buildout ~~termination~~ date that

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108 reasonably reflects the time anticipated ~~required~~ to complete  
109 the development.

110 3. Shall establish a date until which the local government  
111 agrees that the approved development of regional impact shall  
112 not be subject to downzoning, unit density reduction, or  
113 intensity reduction, unless the local government can demonstrate  
114 that substantial changes in the conditions underlying the  
115 approval of the development order have occurred or the  
116 development order was based on substantially inaccurate  
117 information provided by the developer or that the change is  
118 clearly established by local government to be essential to the  
119 public health, safety, or welfare. The date established pursuant  
120 to this subparagraph shall be no sooner than the buildout date  
121 of the project.

122 4. Shall specify the requirements for the biennial report  
123 designated under subsection (18), including the date of  
124 submission, parties to whom the report is submitted, and  
125 contents of the report, based upon the rules adopted by the  
126 state land planning agency. Such rules shall specify the scope  
127 of any additional local requirements that may be necessary for  
128 the report.

129 5. May specify the types of changes to the development  
130 which shall require submission for a substantial deviation  
131 determination or a notice of proposed change under subsection  
132 (19).

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

134 (d) Conditions of a development order that require a  
135 developer to contribute land for a public facility or construct,

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136 expand, or pay for land acquisition or construction or expansion  
137 of a public facility, or portion thereof, shall meet the  
138 following criteria:

139 1. The need to construct new facilities or add to the  
140 present system of public facilities must be reasonably  
141 attributable to the proposed development.

142 2. Any contribution of funds, land, or public facilities  
143 required from the developer shall be comparable to the amount of  
144 funds, land, or public facilities that the state or the local  
145 government would reasonably expect to expend or provide, based  
146 on projected costs of comparable projects, to mitigate the  
147 impacts reasonably attributable to the proposed development.

148 3. Any funds or lands contributed must be expressly  
149 designated and used to mitigate impacts reasonably attributable  
150 to the proposed development.

151 4. Construction or expansion of a public facility by a  
152 nongovernmental developer as a condition of a development order  
153 to mitigate the impacts reasonably attributable to the proposed  
154 development is not subject to competitive bidding or competitive  
155 negotiation for selection of a contractor or design professional  
156 for any part of the construction or design ~~unless required by~~  
157 ~~the local government that issues the development order.~~

158 (e)1. ~~Effective July 1, 1986,~~ A local government shall not  
159 include, as a development order condition for a development of  
160 regional impact, any requirement that a developer contribute or  
161 pay for land acquisition or construction or expansion of public  
162 facilities or portions thereof unless the local government has  
163 enacted a local ordinance which requires other development not

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164 subject to this section to contribute its proportionate share of  
165 the funds, land, or public facilities necessary to accommodate  
166 any impacts having a rational nexus to the proposed development,  
167 and the need to construct new facilities or add to the present  
168 system of public facilities must be reasonably attributable to  
169 the proposed development.

170 2. A local government shall not approve a development of  
171 regional impact that does not make adequate provision for the  
172 public facilities needed to accommodate the impacts of the  
173 proposed development unless the local government includes in the  
174 development order a commitment by the local government to  
175 provide these facilities consistently with the development  
176 schedule approved in the development order; however, a local  
177 government's failure to meet the requirements of subparagraph 1.  
178 and this subparagraph shall not preclude the issuance of a  
179 development order where adequate provision is made by the  
180 developer for the public facilities needed to accommodate the  
181 impacts of the proposed development. Any funds or lands  
182 contributed by a developer must be expressly designated and used  
183 to accommodate impacts reasonably attributable to the proposed  
184 development.

185 3. The Department of Community Affairs and other state and  
186 regional agencies involved in the administration and  
187 implementation of this act shall cooperate and work with units  
188 of local government in preparing and adopting local impact fee  
189 and other contribution ordinances.

190 (f) Notice of the adoption of a development order or the  
191 subsequent amendments to an adopted development order shall be

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192 recorded by the developer, in accordance with s. 28.222, with  
 193 the clerk of the circuit court for each county in which the  
 194 development is located. The notice shall include a legal  
 195 description of the property covered by the order and shall state  
 196 which unit of local government adopted the development order,  
 197 the date of adoption, the date of adoption of any amendments to  
 198 the development order, the location where the adopted order with  
 199 any amendments may be examined, and that the development order  
 200 constitutes a land development regulation applicable to the  
 201 property. The recording of this notice shall not constitute a  
 202 lien, cloud, or encumbrance on real property, or actual or  
 203 constructive notice of any such lien, cloud, or encumbrance.  
 204 This paragraph applies only to developments initially approved  
 205 under this section after July 1, 1980.

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

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

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

216 3. The development of regional impact is essentially built  
 217 out, in that all the mitigation requirements in the development  
 218 order have been satisfied, all developers are in compliance with  
 219 all applicable terms and conditions of the development order



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220 except the buildout date, and the amount of proposed development  
221 that remains to be built is less than 20 percent of any  
222 applicable development-of-regional-impact threshold; or

223 4.3- The project has been determined to be an essentially  
224 built-out development of regional impact through an agreement  
225 executed by the developer, the state land planning agency, and  
226 the local government, in accordance with s. 380.032, which will  
227 establish the terms and conditions under which the development  
228 may be continued. If the project is determined to be essentially  
229 built out ~~built-out~~, development may proceed pursuant to the s.  
230 380.032 agreement after the termination or expiration date  
231 contained in the development order without further development-  
232 of-regional-impact review subject to the local government  
233 comprehensive plan and land development regulations or subject  
234 to a modified development-of-regional-impact analysis. As used  
235 in this paragraph, an "essentially built-out" development of  
236 regional impact means:

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

240 b.(I) The amount of development that remains to be built  
241 is less than the substantial deviation threshold specified in  
242 paragraph (19)(b) for each individual land use category, or, for  
243 a multiuse development, the sum total of all unbuilt land uses  
244 as a percentage of the applicable substantial deviation  
245 threshold is equal to or less than 100 percent; or

246 (II) The state land planning agency and the local  
247 government have agreed in writing that the amount of development

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248 | to be built does not create the likelihood of any additional  
249 | regional impact not previously reviewed.

250 |  
251 | In addition to the requirements of subparagraphs 3. and 4., the  
252 | single-family residential portions of a development may be  
253 | considered "essentially built out" if all of the infrastructure  
254 | and horizontal development have been completed, at least 50  
255 | percent of the dwelling units have been completed, and more than  
256 | 80 percent of the lots have been conveyed to third-party  
257 | individual lot owners or to individual builders who own no more  
258 | than 40 lots at the time of the determination.

259 | (h) If the property is annexed by another local  
260 | jurisdiction, the annexing jurisdiction shall adopt a new  
261 | development order that incorporates all previous rights and  
262 | obligations specified in the prior development order.

263 | (19) SUBSTANTIAL DEVIATIONS.--

264 | (a) Any proposed change to a previously approved  
265 | development which creates a reasonable likelihood of additional  
266 | regional impact, or any type of regional impact created by the  
267 | change not previously reviewed by the regional planning agency,  
268 | shall constitute a substantial deviation and shall cause the  
269 | proposed change ~~development~~ to be subject to further  
270 | development-of-regional-impact review. There are a variety of  
271 | reasons why a developer may wish to propose changes to an  
272 | approved development of regional impact, including changed  
273 | market conditions. The procedures set forth in this subsection  
274 | are for that purpose.

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275 (b) Any proposed change to a previously approved  
276 development of regional impact or development order condition  
277 which, either individually or cumulatively with other changes,  
278 exceeds any of the following criteria shall constitute a  
279 substantial deviation and shall cause the development to be  
280 subject to further development-of-regional-impact review without  
281 the necessity for a finding of same by the local government:

282 1. An increase in the number of parking spaces at an  
283 attraction or recreational facility by 10 ~~5~~ percent or 330 ~~300~~  
284 spaces, whichever is greater, or an increase in the number of  
285 spectators that may be accommodated at such a facility by 10 ~~5~~  
286 percent or 1,100 ~~1,000~~ spectators, whichever is greater.

287 2. A new runway, a new terminal facility, a 25-percent  
288 lengthening of an existing runway, or a 25-percent increase in  
289 the number of gates of an existing terminal, but only if the  
290 increase adds at least three additional gates.

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

293 ~~3.4.~~ An increase in industrial development area by 10 ~~5~~  
294 percent or 35 ~~32~~ acres, whichever is greater.

295 ~~4.5.~~ An increase in the average annual acreage mined by 10  
296 ~~5~~ percent or 11 ~~10~~ acres, whichever is greater, or an increase  
297 in the average daily water consumption by a mining operation by  
298 10 ~~5~~ percent or 330,000 ~~300,000~~ gallons, whichever is greater.  
299 An increase in the size of the mine by 10 ~~5~~ percent or 825 ~~750~~  
300 acres, whichever is less. An increase in the size of a heavy  
301 mineral mine as defined in s. 378.403(7) will only constitute a  
302 substantial deviation if the average annual acreage mined is

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303 more than 550 ~~500~~ acres and consumes more than 3.3 ~~3~~-million  
304 gallons of water per day.

305 ~~5.6.~~ An increase in land area for office development by 10  
306 ~~5~~ percent or an increase of gross floor area of office  
307 development by 10 ~~5~~ percent or 66,000 ~~60,000~~ gross square feet,  
308 whichever is greater.

309 6. An increase of development at a marina of 10 percent of  
310 wet storage or for 30 watercraft slips, whichever is greater, or  
311 20 percent of wet storage or 60 watercraft slips in an area  
312 identified by a local government in a boat facility siting plan  
313 as an appropriate site for additional marina development,  
314 whichever is greater.

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

318 ~~8. An increase of development at a waterport of wet~~  
319 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~  
320 ~~wet/dry storage for 60 watercraft in an area identified in the~~  
321 ~~state marina siting plan as an appropriate site for additional~~  
322 ~~waterport development or a 5 percent increase in watercraft~~  
323 ~~storage capacity, whichever is greater.~~

324 ~~7.9.~~ An increase in the number of dwelling units by 10 ~~5~~  
325 percent or 55 ~~50~~ dwelling units, whichever is greater.

326 8. An increase in the number of dwelling units by 15  
327 percent or 100 units, whichever is greater, provided that 20  
328 percent of the increase in the number of dwelling units is  
329 dedicated to the construction of workforce housing. For purposes  
330 of this subparagraph, the term "workforce housing" means housing

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331 that is affordable to a person who earns less than 120 percent  
332 of the area median income.

333 9.10. An increase in commercial development by 55,000  
334 ~~50,000~~ square feet of gross floor area or of parking spaces  
335 provided for customers for 330 ~~300~~ cars or a 10-percent ~~5-~~  
336 ~~percent~~ increase of either of these, whichever is greater.

337 10.11. An increase in hotel or motel rooms ~~facility units~~  
338 by 10 ~~5~~ percent or 83 rooms ~~75 units~~, whichever is greater.

339 11.12. An increase in a recreational vehicle park area by  
340 10 ~~5~~ percent or 110 ~~100~~ vehicle spaces, whichever is less.

341 12.13. A decrease in the area set aside for open space of  
342 5 percent or 20 acres, whichever is less.

343 13.14. A proposed increase to an approved multiuse  
344 development of regional impact where the sum of the increases of  
345 each land use as a percentage of the applicable substantial  
346 deviation criteria is equal to or exceeds 110 ~~100~~ percent. The  
347 percentage of any decrease in the amount of open space shall be  
348 treated as an increase for purposes of determining when 110 ~~100~~  
349 percent has been reached or exceeded.

350 14.15. A 15-percent increase in the number of external  
351 vehicle trips generated by the development above that which was  
352 projected during the original development-of-regional-impact  
353 review.

354 15.16. Any change which would result in development of any  
355 area which was specifically set aside in the application for  
356 development approval or in the development order for  
357 preservation or special protection of endangered or threatened  
358 plants or animals designated as endangered, threatened, or

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359 species of special concern and their habitat, primary dunes, or  
 360 archaeological and historical sites designated as significant by  
 361 the Division of Historical Resources of the Department of State.  
 362 The ~~further~~ refinement of such areas ~~by survey~~ shall be  
 363 considered under sub-subparagraph (e)2.j. ~~(e)5.b.~~

364  
 365 The substantial deviation numerical standards in subparagraphs  
 366 3., 5., 9., 10., and 13. ~~4., 6., 10., 14.,~~ excluding residential  
 367 uses, and in subparagraph 14. ~~15.,~~ are increased by 100 percent  
 368 for a project certified under s. 403.973 which creates jobs and  
 369 meets criteria established by the Office of Tourism, Trade, and  
 370 Economic Development as to its impact on an area's economy,  
 371 employment, and prevailing wage and skill levels. The  
 372 substantial deviation numerical standards in subparagraphs 3.,  
 373 5., 7., 8., 9., 10., 13., and 14. ~~4., 6., 9., 10., 11., and 14.~~  
 374 are increased by 50 percent for a project located wholly within  
 375 an urban infill and redevelopment area designated on the  
 376 applicable adopted local comprehensive plan future land use map  
 377 and not located within the coastal high hazard area.

378 (c) An extension of the date of buildout of a development,  
 379 or any phase thereof, by more than 7 ~~or more~~ years shall be  
 380 presumed to create a substantial deviation subject to further  
 381 development-of-regional-impact review. An extension of the date  
 382 of buildout, or any phase thereof, of more than 5 years ~~or more~~  
 383 but less than 7 years shall be presumed not to create a  
 384 substantial deviation. The extension of the date of buildout of  
 385 an areawide development of regional impact by more than 5 years  
 386 but less than 10 years is presumed not to create a substantial

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387 deviation. These presumptions may be rebutted by clear and  
388 convincing evidence at the public hearing held by the local  
389 government. An extension of 5 years or less ~~than 5 years~~ is not  
390 a substantial deviation. For the purpose of calculating when a  
391 buildout or, ~~phase, or termination~~ date has been exceeded, the  
392 time shall be tolled during the pendency of administrative or  
393 judicial proceedings relating to development permits. Any  
394 extension of the buildout date of a project or a phase thereof  
395 shall automatically extend the commencement date of the project,  
396 the termination date of the development order, the expiration  
397 date of the development of regional impact, and the phases  
398 thereof if applicable by a like period of time.

399 (d) A change in the plan of development of an approved  
400 development of regional impact resulting from requirements  
401 imposed by the Department of Environmental Protection or any  
402 water management district created by s. 373.069 or any of their  
403 successor agencies or by any appropriate federal regulatory  
404 agency shall be submitted to the local government pursuant to  
405 this subsection. The change shall be presumed not to create a  
406 substantial deviation subject to further development-of-  
407 regional-impact review. The presumption may be rebutted by clear  
408 and convincing evidence at the public hearing held by the local  
409 government.

410 (e)1. Except for a development order rendered pursuant to  
411 subsection (22) or subsection (25), a proposed change to a  
412 development order that individually or cumulatively with any  
413 previous change is less than any numerical criterion contained  
414 in subparagraphs (b)1.-15. and does not exceed any other

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415 criterion, or that involves an extension of the buildout date of  
416 a development, or any phase thereof, of less than 5 years is not  
417 subject to the public hearing requirements of subparagraph  
418 (f)3., and is not subject to a determination pursuant to  
419 subparagraph (f)5. Notice of the proposed change shall be made  
420 to the regional planning council and the state land planning  
421 agency. Such notice shall include a description of previous  
422 individual changes made to the development, including changes  
423 previously approved by the local government, and shall include  
424 appropriate amendments to the development order.

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

427 a. Changes in the name of the project, developer, owner,  
428 or monitoring official.

429 b. Changes to a setback that do not affect noise buffers,  
430 environmental protection or mitigation areas, or archaeological  
431 or historical resources.

432 c. Changes to minimum lot sizes.

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

435 e. Changes to the building design or orientation that stay  
436 approximately within the approved area designated for such  
437 building and parking lot, and which do not affect historical  
438 buildings designated as significant by the Division of  
439 Historical Resources of the Department of State.

440 f. Changes to increase the acreage in the development,  
441 provided that no development is proposed on the acreage to be  
442 added.



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

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

448 i. Any renovation or redevelopment of development within a  
449 previously approved development of regional impact which does  
450 not change land use or increase density or intensity of use.

451 j. Changes that modify boundaries described in  
452 subparagraph (b)15. due to science-based refinement of such  
453 areas by survey, by habitat evaluation, by other recognized  
454 assessment methodology, or by an environmental assessment.

455 ~~k.j.~~ Any other change which the state land planning agency  
456 agrees in writing is similar in nature, impact, or character to  
457 the changes enumerated in sub-subparagraphs a.-j. ~~a.-i.~~ and  
458 which does not create the likelihood of any additional regional  
459 impact.

460  
461 This subsection does not require a development order amendment  
462 for any change listed in sub-subparagraphs a.-k., but shall,  
463 prior to implementation of those changes, require 45 days'  
464 notice with the appropriate documentation to the state land  
465 planning agency, the regional planning agency, and the local  
466 government, and publication of a public notice that meets the  
467 local government's criteria for a notice of proposed change. If  
468 the state land planning agency, the regional planning agency, or  
469 the local government objects within 45 days after publication of  
470 the public notice, the change shall require a notice of proposed

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471 change and shall be presumed not to be a substantial deviation.  
472 In addition, a memorandum of the notification of the changed  
473 notice shall be filed with the clerk of the circuit court along  
474 with a legal description of the affected development of regional  
475 impact. If a subsequent change requiring a notice of proposed  
476 change is made to the development of regional impact,  
477 modifications to the development of regional impact made in all  
478 prior notices must be reflected as amendments to the development  
479 order memorandum a. j. unless such issue is addressed either in  
480 the existing development order or in the application for  
481 development approval, but, in the case of the application, only  
482 if, and in the manner in which, the application is incorporated  
483 in the development order.

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

489 4. Any submittal of a proposed change to a previously  
490 approved development shall include a description of individual  
491 changes previously made to the development, including changes  
492 previously approved by the local government. The local  
493 government shall consider the previous and current proposed  
494 changes in deciding whether such changes cumulatively constitute  
495 a substantial deviation requiring further development-of-  
496 regional-impact review.

497 5. The following changes to an approved development of  
498 regional impact shall be presumed to create a substantial

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499 deviation. Such presumption may be rebutted by clear and  
500 convincing evidence.

501 a. A change proposed for 15 percent or more of the acreage  
502 to a land use not previously approved in the development order.  
503 Changes of less than 15 percent shall be presumed not to create  
504 a substantial deviation.

505 ~~b. Except for the types of uses listed in subparagraph~~  
506 ~~(b)16., any change which would result in the development of any~~  
507 ~~area which was specifically set aside in the application for~~  
508 ~~development approval or in the development order for~~  
509 ~~preservation, buffers, or special protection, including habitat~~  
510 ~~for plant and animal species, archaeological and historical~~  
511 ~~sites, dunes, and other special areas.~~

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

518 (f)1. The state land planning agency shall establish by  
519 rule standard forms for submittal of proposed changes to a  
520 previously approved development of regional impact which may  
521 require further development-of-regional-impact review. At a  
522 minimum, the standard form shall require the developer to  
523 provide the precise language that the developer proposes to  
524 delete or add as an amendment to the development order.

525 2. The developer shall submit, simultaneously, to the  
526 local government, the regional planning agency, and the state

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527 land planning agency the request for approval of a proposed  
528 change.

529 3. No sooner than 30 days but no later than 45 days after  
530 submittal by the developer to the local government, the state  
531 land planning agency, and the appropriate regional planning  
532 agency, the local government shall give 15 days' notice and  
533 schedule a public hearing to consider the change that the  
534 developer asserts does not create a substantial deviation. This  
535 public hearing shall be held within 60 ~~90~~ days after submittal  
536 of the proposed changes, unless that time is extended by the  
537 developer.

538 4. The appropriate regional planning agency or the state  
539 land planning agency shall review the proposed change and, no  
540 later than 45 days after submittal by the developer of the  
541 proposed change, unless that time is extended by the developer,  
542 and prior to the public hearing at which the proposed change is  
543 to be considered, shall advise the local government in writing  
544 whether it objects to the proposed change, shall specify the  
545 reasons for its objection, if any, and shall provide a copy to  
546 the developer.

547 5. At the public hearing, the local government shall  
548 determine whether the proposed change requires further  
549 development-of-regional-impact review. The provisions of  
550 paragraphs (a) and (e), the thresholds set forth in paragraph  
551 (b), and the presumptions set forth in paragraphs (c) and (d)  
552 and subparagraph (e)3. shall be applicable in determining  
553 whether further development-of-regional-impact review is  
554 required.

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555           6. If the local government determines that the proposed  
556 change does not require further development-of-regional-impact  
557 review and is otherwise approved, or if the proposed change is  
558 not subject to a hearing and determination pursuant to  
559 subparagraphs 3. and 5. and is otherwise approved, the local  
560 government shall issue an amendment to the development order  
561 incorporating the approved change and conditions of approval  
562 relating to the change. The decision of the local government to  
563 approve, with or without conditions, or to deny the proposed  
564 change that the developer asserts does not require further  
565 review shall be subject to the appeal provisions of s. 380.07.  
566 However, the state land planning agency may not appeal the local  
567 government decision if it did not comply with subparagraph 4.  
568 The state land planning agency may not appeal a change to a  
569 development order made pursuant to subparagraph (e)1. or  
570 subparagraph (e)2. for developments of regional impact approved  
571 after January 1, 1980, unless the change would result in a  
572 significant impact to a regionally significant archaeological,  
573 historical, or natural resource not previously identified in the  
574 original development-of-regional-impact review.

575           (g) If a proposed change requires further development-of-  
576 regional-impact review pursuant to this section, the review  
577 shall be conducted subject to the following additional  
578 conditions:

579           1. The development-of-regional-impact review conducted by  
580 the appropriate regional planning agency shall address only  
581 those issues raised by the proposed change except as provided in  
582 subparagraph 2.

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583           2. The regional planning agency shall consider, and the  
584 local government shall determine whether to approve, approve  
585 with conditions, or deny the proposed change as it relates to  
586 the entire development. If the local government determines that  
587 the proposed change, as it relates to the entire development, is  
588 unacceptable, the local government shall deny the change.

589           3. If the local government determines that the proposed  
590 change, ~~as it relates to the entire development,~~ should be  
591 approved, any new conditions in the amendment to the development  
592 order issued by the local government shall address only those  
593 issues raised by the proposed change and require mitigation only  
594 for the individual and cumulative impacts of the proposed  
595 change.

596           4. Development within the previously approved development  
597 of regional impact may continue, as approved, during the  
598 development-of-regional-impact review in those portions of the  
599 development which are not directly affected by the proposed  
600 change.

601           (h) When further development-of-regional-impact review is  
602 required because a substantial deviation has been determined or  
603 admitted by the developer, the amendment to the development  
604 order issued by the local government shall be consistent with  
605 the requirements of subsection (15) and shall be subject to the  
606 hearing and appeal provisions of s. 380.07. The state land  
607 planning agency or the appropriate regional planning agency need  
608 not participate at the local hearing in order to appeal a local  
609 government development order issued pursuant to this paragraph.

610           (24) STATUTORY EXEMPTIONS.--

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

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

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

622 1. It would not operate concurrently with the scheduled  
623 hours of operation of the existing facility.

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

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

628  
629 This exemption does not apply to any pari-mutuel facility.

630 (d) Any proposed addition or cumulative additions  
631 subsequent to July 1, 1988, to an existing sports facility  
632 complex owned by a state university is exempt if the increased  
633 seating capacity of the complex is no more than 30 percent of  
634 the capacity of the existing facility.

635 (e) Any addition of permanent seats or parking spaces for  
636 an existing sports facility located on property owned by a  
637 public body prior to July 1, 1973, is exempt from the provisions  
638 of this section if future additions do not expand existing

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639 permanent seating or parking capacity more than 15 percent  
640 annually in excess of the prior year's capacity.

641 (f) Any increase in the seating capacity of an existing  
642 sports facility having a permanent seating capacity of at least  
643 50,000 spectators is exempt from the provisions of this section,  
644 provided that such an increase does not increase permanent  
645 seating capacity by more than 5 percent per year and not to  
646 exceed a total of 10 percent in any 5-year period, and provided  
647 that the sports facility notifies the appropriate local  
648 government within which the facility is located of the increase  
649 at least 6 months prior to the initial use of the increased  
650 seating, in order to permit the appropriate local government to  
651 develop a traffic management plan for the traffic generated by  
652 the increase. Any traffic management plan shall be consistent  
653 with the local comprehensive plan, the regional policy plan, and  
654 the state comprehensive plan.

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

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

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



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

668 2. The local government having jurisdiction of the sports  
669 facility includes in the development order or development permit  
670 approving such expansion under this paragraph a finding of fact  
671 that the proposed expansion is consistent with the  
672 transportation, water, sewer and stormwater drainage provisions  
673 of the approved local comprehensive plan and local land  
674 development regulations relating to those provisions.

675

676 Any owner or developer who intends to rely on this statutory  
677 exemption shall provide to the department a copy of the local  
678 government application for a development permit. Within 45 days  
679 of receipt of the application, the department shall render to  
680 the local government an advisory and nonbinding opinion, in  
681 writing, stating whether, in the department's opinion, the  
682 prescribed conditions exist for an exemption under this  
683 paragraph. The local government shall render the development  
684 order approving each such expansion to the department. The  
685 owner, developer, or department may appeal the local government  
686 development order pursuant to s. 380.07, within 45 days after  
687 the order is rendered. The scope of review shall be limited to  
688 the determination of whether the conditions prescribed in this  
689 paragraph exist. If any sports facility expansion undergoes  
690 development of regional impact review, all previous expansions  
691 which were exempt under this paragraph shall be included in the  
692 development of regional impact review.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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693 (h) Expansion to port harbors, spoil disposal sites,  
694 navigation channels, turning basins, harbor berths, and other  
695 related inwater harbor facilities of ports listed in s.  
696 403.021(9)(b), port transportation facilities and projects  
697 listed in s. 311.07(3)(b), and intermodal transportation  
698 facilities identified pursuant to s. 311.09(3) are exempt from  
699 the provisions of this section when such expansions, projects,  
700 or facilities are consistent with comprehensive master plans  
701 that are in compliance with the provisions of s. 163.3178.

702 (i) Any proposed facility for the storage of any petroleum  
703 product or any expansion of an existing facility is exempt from  
704 the provisions of this section, if the facility is consistent  
705 with a local comprehensive plan that is in compliance with s.  
706 163.3177 or is consistent with a comprehensive port master plan  
707 that is in compliance with s. 163.3178.

708 (j) Any renovation or redevelopment within the same land  
709 parcel which does not change land use or increase density or  
710 intensity of use.

711 (k)1. Any waterport or marina development is exempt from  
712 the provisions of this section if the relevant county or  
713 municipality has adopted a boating facility siting plan or  
714 policy, which includes applicable criteria, considering such  
715 factors as natural resources, manatee protection needs, and  
716 recreation and economic demands ~~as generally outlined in the~~  
717 ~~Bureau of Protected Species Management Boat Facility Siting~~  
718 ~~Guide, dated August 2000,~~ into the coastal management or land  
719 use element of its comprehensive plan. The adoption of boating  
720 facility siting plans or policies into the comprehensive plan is

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721 exempt from the provisions of s. 163.3187(1). Any waterport or  
 722 marina development within the municipalities or counties with  
 723 boating facility siting plans or policies that meet the above  
 724 criteria, ~~adopted prior to April 1, 2002,~~ are exempt from the  
 725 provisions of this section, when their boating facility siting  
 726 plan or policy is adopted as part of the relevant local  
 727 government's comprehensive plan.

728 2. ~~Within 6 months of the effective date of this law,~~ The  
 729 Department of Community Affairs, in conjunction with the  
 730 Department of Environmental Protection and the Florida Fish and  
 731 Wildlife Conservation Commission, shall provide technical  
 732 assistance and guidelines, including model plans, policies and  
 733 criteria to local governments for the development of their  
 734 siting plans.

735 (1) Any proposed development within an urban service  
 736 boundary established under s. 163.3177(14) is exempt from the  
 737 provisions of this section if the local government having  
 738 jurisdiction over the area where the development is proposed has  
 739 adopted the urban service boundary, ~~and~~ has entered into a  
 740 binding agreement with ~~adjacent~~ jurisdictions that would be  
 741 impacted and with the Department of Transportation regarding the  
 742 mitigation of impacts on state and regional transportation  
 743 facilities, and has adopted a proportionate share methodology  
 744 pursuant to s. 163.3180(16).

745 (m) Any proposed development within a rural land  
 746 stewardship area created under s. 163.3177(11)(d) is exempt from  
 747 the provisions of this section if the local government that has  
 748 adopted the rural land stewardship area has entered into a

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749 binding agreement with jurisdictions that would be impacted and  
750 the Department of Transportation regarding the mitigation of  
751 impacts on state and regional transportation facilities, and has  
752 adopted a proportionate share methodology pursuant to s.  
753 163.3180(16).

754 (n) Any proposed development or redevelopment within an  
755 area designated as an urban infill and redevelopment area under  
756 s. 163.2517 is exempt from ~~the provisions of~~ this section if the  
757 local government has entered into a binding agreement with  
758 jurisdictions that would be impacted and the Department of  
759 Transportation regarding the mitigation of impacts on state and  
760 regional transportation facilities, and has adopted a  
761 proportionate share methodology pursuant to s. 163.3180(16).

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

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

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

769 (r) Any development identified in an airport master plan  
770 and adopted into the comprehensive plan pursuant to s.  
771 163.3177(6)(k) is exempt from this section.

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

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

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777  
778 If a use is exempt from review as a development of regional  
779 impact under paragraphs (a)-(t) but will be part of a larger  
780 project that is subject to review as a development of regional  
781 impact, the impact of the exempt use must be included in the  
782 review of the larger project.

783 (28) PARTIAL STATUTORY EXEMPTIONS.--

784 (a) If the binding agreement referenced under paragraph  
785 (24)(l) for urban service boundaries is not entered into within  
786 12 months after establishment of the urban service boundary, the  
787 development-of-regional-impact review for projects within the  
788 urban service boundary must address transportation impacts only.

789 (b) If the binding agreement referenced under paragraph  
790 (24)(n) for designated urban infill and redevelopment areas is  
791 not entered into within 12 months after the designation of the  
792 area or July 1, 2007, whichever occurs later, the development-  
793 of-regional-impact review for projects within the urban infill  
794 and redevelopment area must address transportation impacts only.

795 (c) A local government that does not wish to enter into a  
796 binding agreement or that is unable to agree on the terms of the  
797 agreement referenced under paragraph (24)(l) or paragraph  
798 (24)(n) shall provide written notification to the state land  
799 planning agency of the failure to enter into a binding agreement  
800 within the 12-month period referenced in paragraphs (a) and (b).  
801 Following the notification of the state land planning agency,  
802 the development-of-regional-impact review for projects within  
803 the urban service boundary under paragraph (24)(l) or for an

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804 | urban infill and redevelopment area under paragraph (24)(n) must  
805 | address transportation impacts only.

806 | Section 2. Paragraphs (d) and (e) of subsection (3) of  
807 | section 380.0651, Florida Statutes, are amended, paragraph (k)  
808 | of subsection (3) is redesignated as paragraph (l), and a new  
809 | paragraph (k) is added to that subsection, to read:

810 | 380.0651 Statewide guidelines and standards.--

811 | (3) The following statewide guidelines and standards shall  
812 | be applied in the manner described in s. 380.06(2) to determine  
813 | whether the following developments shall be required to undergo  
814 | development-of-regional-impact review:

815 | (d) Office development.--Any proposed office building or  
816 | park operated under common ownership, development plan, or  
817 | management that:

818 | 1. Encompasses 300,000 or more square feet of gross floor  
819 | area; or

820 | 2. Encompasses more than 600,000 square feet of gross  
821 | floor area in a county with a population greater than 500,000  
822 | and only in a geographic area specifically designated as highly  
823 | suitable for increased threshold intensity in the approved local  
824 | comprehensive plan ~~and in the strategic regional policy plan.~~

825 | (e) Marinas and port facilities.--The proposed  
826 | construction of any waterport or marina is required to undergo  
827 | development-of-regional-impact review if it is, ~~except one~~  
828 | designed for:

829 | 1.a. The wet storage or mooring of more ~~fewer~~ than 150  
830 | watercraft used ~~exclusively~~ for sport, pleasure, or commercial  
831 | fishing; ~~or~~

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

834 ~~b.e. The wet or dry storage or mooring of more fewer than~~  
835 ~~150 watercraft on or adjacent to an inland freshwater lake~~  
836 ~~except Lake Okeechobee or any lake that which has been~~  
837 ~~designated an Outstanding Florida Water., or~~

838 ~~d. The wet or dry storage or mooring of fewer than 50~~  
839 ~~watercraft of 40 feet in length or less of any type or purpose.~~

840

841 The numeric thresholds contained in this subparagraph shall be  
842 doubled for proposed marina developers who enter into a binding  
843 commitment with the local government to set aside at least 15  
844 percent of the wet storage or moorings for public use or rental.

845 2. The subthreshold exceptions to this paragraph's  
846 requirements for development-of-regional-impact review do shall  
847 not apply to any waterport or marina facility located within or  
848 which serves physical development located within a coastal  
849 barrier resource unit on an unbridged barrier island designated  
850 pursuant to 16 U.S.C. s. 3501.

851

852 In addition to the foregoing, for projects for which no  
853 environmental resource permit or sovereign submerged land lease  
854 is required, the Department of Environmental Protection must  
855 determine in writing that a proposed marina in excess of 75 ~~10~~  
856 slips or storage spaces or a combination of the two is located  
857 so that it will not adversely impact Outstanding Florida Waters  
858 or Class II waters and will not contribute boat traffic in a  
859 manner that will have an adverse impact on an area known to be,

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860 or likely to be, frequented by manatees. If the Department of  
861 Environmental Protection fails to issue its determination within  
862 45 days after ~~of~~ receipt of a formal written request, it has  
863 waived its authority to make such determination. The Department  
864 of Environmental Protection determination shall constitute final  
865 agency action pursuant to chapter 120.

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

869 ~~3. Any proposed marina development with both wet and dry~~  
870 ~~mooring or storage used exclusively for sport, pleasure, or~~  
871 ~~commercial fishing, where the sum of percentages of the~~  
872 ~~applicable wet and dry mooring or storage thresholds equals 100~~  
873 ~~percent. This threshold is in addition to, and does not~~  
874 ~~preclude, a development from being required to undergo~~  
875 ~~development of regional impact review under sub-subparagraphs~~  
876 ~~1.a. and b. and subparagraph 2.~~

877 (k) Workforce housing.--The applicable guidelines for  
878 residential development and the residential component for  
879 multiuse development shall be increased by 20 percent where the  
880 developer demonstrates that at least 15 percent of the  
881 residential dwelling units will be dedicated to workforce  
882 housing. For purposes of this subparagraph, the term "workforce  
883 housing" means housing that is affordable to a person who earns  
884 less than 120 percent of the area median income.

885 (l)~~(k)~~ Schools.--

886 1. The proposed construction of any public, private, or  
887 proprietary postsecondary educational campus which provides for



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888 a design population of more than 5,000 full-time equivalent  
889 students, or the proposed physical expansion of any public,  
890 private, or proprietary postsecondary educational campus having  
891 such a design population that would increase the population by  
892 at least 20 percent of the design population.

893 2. As used in this paragraph, "full-time equivalent  
894 student" means enrollment for 15 or more quarter hours during a  
895 single academic semester. In career centers or other  
896 institutions which do not employ semester hours or quarter hours  
897 in accounting for student participation, enrollment for 18  
898 contact hours shall be considered equivalent to one quarter  
899 hour, and enrollment for 27 contact hours shall be considered  
900 equivalent to one semester hour.

901 3. This paragraph does not apply to institutions which are  
902 the subject of a campus master plan adopted by the university  
903 board of trustees pursuant to s. 1013.30.

904 Section 3. Section 380.07, Florida Statutes, is amended to  
905 read:

906 380.07 Florida Land and Water Adjudicatory Commission.--

907 (1) There is hereby created the Florida Land and Water  
908 Adjudicatory Commission, which shall consist of the  
909 Administration Commission. The commission may adopt rules  
910 necessary to ensure compliance with the area of critical state  
911 concern program and the requirements for developments of  
912 regional impact as set forth in this chapter.

913 (2) Whenever any local government issues any development  
914 order in any area of critical state concern, or in regard to any  
915 development of regional impact, copies of such orders as

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916 prescribed by rule by the state land planning agency shall be  
917 transmitted to the state land planning agency, the regional  
918 planning agency, and the owner or developer of the property  
919 affected by such order. The state land planning agency shall  
920 adopt rules describing development order rendition and  
921 effectiveness in designated areas of critical state concern.  
922 Within 45 days after the order is rendered, the owner, the  
923 developer, or the state land planning agency may appeal the  
924 order to the Florida Land and Water Adjudicatory Commission by  
925 filing a petition alleging that the development order is not  
926 consistent with the provisions of this part ~~notice of appeal~~  
927 ~~with the commission~~. The appropriate regional planning agency by  
928 vote at a regularly scheduled meeting may recommend that the  
929 state land planning agency undertake an appeal of a development-  
930 of-regional-impact development order. Upon the request of an  
931 appropriate regional planning council, affected local  
932 government, or any citizen, the state land planning agency shall  
933 consider whether to appeal the order and shall respond to the  
934 request within the 45-day appeal period. ~~Any appeal taken by a~~  
935 ~~regional planning agency between March 1, 1993, and the~~  
936 ~~effective date of this section may only be continued if the~~  
937 ~~state land planning agency has also filed an appeal. Any appeal~~  
938 ~~initiated by a regional planning agency on or before March 1,~~  
939 ~~1993, shall continue until completion of the appeal process and~~  
940 ~~any subsequent appellate review, as if the regional planning~~  
941 ~~agency were authorized to initiate the appeal.~~

942 (3) Notwithstanding any other provision of law, an appeal  
943 of a development order by the state land planning agency under

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944 this section may include consistency of the development order  
945 with the local comprehensive plan. However, if a development  
946 order relating to a development of regional impact has been  
947 challenged in a proceeding under s. 163.3215 and a party to the  
948 proceeding serves notice to the state land planning agency of  
949 the pending proceeding under s. 163.3215, the state land  
950 planning agency shall:

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

954 (b) Dismiss the consistency issues from the development  
955 order appeal.

956 (4) The appellant shall furnish a copy of the petition to  
957 the opposing party, as the case may be, and to the local  
958 government that issued the order. The filing of the petition  
959 stays the effectiveness of the order until after the completion  
960 of the appeal process.

961 (5)-(3)- The 45-day appeal period for a development of  
962 regional impact within the jurisdiction of more than one local  
963 government shall not commence until after all the local  
964 governments having jurisdiction over the proposed development of  
965 regional impact have rendered their development orders. The  
966 appellant shall furnish a copy of the notice of appeal to the  
967 opposing party, as the case may be, and to the local government  
968 which issued the order. The filing of the notice of appeal shall  
969 stay the effectiveness of the order until after the completion  
970 of the appeal process.

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971        (6)~~(4)~~ Prior to issuing an order, the Florida Land and  
972 Water Adjudicatory Commission shall hold a hearing pursuant to  
973 the provisions of chapter 120. The commission shall encourage  
974 the submission of appeals on the record made below in cases in  
975 which the development order was issued after a full and complete  
976 hearing before the local government or an agency thereof.

977        (7)~~(5)~~ The Florida Land and Water Adjudicatory Commission  
978 shall issue a decision granting or denying permission to develop  
979 pursuant to the standards of this chapter and may attach  
980 conditions and restrictions to its decisions.

981        ~~(6) If an appeal is filed with respect to any issues  
982 within the scope of a permitting program authorized by chapter  
983 161, chapter 373, or chapter 403 and for which a permit or  
984 conceptual review approval has been obtained prior to the  
985 issuance of a development order, any such issue shall be  
986 specifically identified in the notice of appeal which is filed  
987 pursuant to this section, together with other issues which  
988 constitute grounds for the appeal. The appeal may proceed with  
989 respect to issues within the scope of permitting programs for  
990 which a permit or conceptual review approval has been obtained  
991 prior to the issuance of a development order only after the  
992 commission determines by majority vote at a regularly scheduled  
993 commission meeting that statewide or regional interests may be  
994 adversely affected by the development. In making this  
995 determination, there shall be a rebuttable presumption that  
996 statewide and regional interests relating to issues within the  
997 scope of the permitting programs for which a permit or~~

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998 ~~conceptual approval has been obtained are not adversely~~  
999 ~~affected.~~

1000 Section 4. Section 380.115, Florida Statutes, is amended  
1001 to read:

1002 380.115 Vested rights and duties; effect of size  
1003 reduction, changes in guidelines and standards ~~chs. 2002-20 and~~  
1004 ~~2002-296.--~~

1005 (1) A change in a development-of-regional-impact guideline  
1006 and standard does not abridge ~~Nothing contained in this act~~  
1007 ~~abridges~~ or modify ~~modifies~~ any vested or other right or any  
1008 duty or obligation pursuant to any development order or  
1009 agreement that is applicable to a development of regional impact  
1010 ~~on the effective date of this act.~~ A development that has  
1011 received a development-of-regional-impact development order  
1012 pursuant to s. 380.06, but is no longer required to undergo  
1013 development-of-regional-impact review by operation of a change  
1014 in the guidelines and standards or has reduced its size below  
1015 the thresholds in s. 380.0651 ~~of this act,~~ shall be governed by  
1016 the following procedures:

1017 (a) The development shall continue to be governed by the  
1018 development-of-regional-impact development order and may be  
1019 completed in reliance upon and pursuant to the development order  
1020 unless the developer or landowner has followed the procedures  
1021 for rescission in paragraph (b). The development-of-regional-  
1022 impact development order may be enforced by the local government  
1023 as provided by ss. 380.06(17) and 380.11.

1024 (b) If requested by the developer or landowner, the  
1025 development-of-regional-impact development order shall ~~may~~ be

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1026 | rescinded by the local government having jurisdiction upon a  
 1027 | showing that all required mitigation related to the amount of  
 1028 | development that existed on the date of rescission has been  
 1029 | completed ~~abandoned pursuant to the process in s. 380.06(26).~~

1030 | (2) A development with an application for development  
 1031 | approval pending, ~~and determined sufficient~~ pursuant to s.  
 1032 | 380.06 ~~s. 380.06(10)~~, on the effective date of a change to the  
 1033 | guidelines and standards ~~this act~~, or a notification of proposed  
 1034 | change pending on the effective date of a change to the  
 1035 | guidelines and standards ~~this act~~, may elect to continue such  
 1036 | review pursuant to s. 380.06. At the conclusion of the pending  
 1037 | review, including any appeals pursuant to s. 380.07, the  
 1038 | resulting development order shall be governed by the provisions  
 1039 | of subsection (1).

1040 | (3) A landowner that has filed an application for a  
 1041 | development-of-regional-impact review prior to the adoption of  
 1042 | an optional sector plan pursuant to s. 163.3245 may elect to  
 1043 | have the application reviewed pursuant to s. 380.06,  
 1044 | comprehensive plan provisions in force prior to adoption of the  
 1045 | sector plan, and any requested comprehensive plan amendments  
 1046 | that accompany the application.

1047 | Section 5. Section 342.07, Florida Statutes, is amended to  
 1048 | read:

1049 | 342.07 Recreational and commercial working waterfronts;  
 1050 | legislative findings; definitions.--

1051 | (1) The Legislature recognizes that there is an important  
 1052 | state interest in facilitating boating and other recreational  
 1053 | access to the state's navigable waters. This access is vital to

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1054 tourists and recreational users and the marine industry in the  
1055 state, to maintaining or enhancing the \$57 billion economic  
1056 impact of tourism and the \$14 billion economic impact of boating  
1057 in the state annually, and to ensuring continued access to all  
1058 residents and visitors to the navigable waters of the state. The  
1059 Legislature recognizes that there is an important state interest  
1060 in maintaining viable water-dependent support facilities, such  
1061 as public lodging establishments and boat hauling and repairing  
1062 and commercial fishing facilities, and in maintaining the  
1063 availability of public access to the navigable waters of the  
1064 state. The Legislature further recognizes that the waterways of  
1065 the state are important for engaging in commerce and the  
1066 transportation of goods and people upon such waterways and that  
1067 such commerce and transportation is not feasible unless there is  
1068 access to and from the navigable waters of the state through  
1069 recreational and commercial working waterfronts.

1070 (2) As used in this section, the term "recreational and  
1071 commercial working waterfront" means a parcel or parcels of real  
1072 property that provide access for water-dependent commercial and  
1073 recreational activities, including public lodging establishments  
1074 as defined in chapter 509, or provide access for the public to  
1075 the navigable waters of the state. Recreational and commercial  
1076 working waterfronts require direct access to or a location on,  
1077 over, or adjacent to a navigable body of water. The term  
1078 includes water-dependent facilities that are open to the public  
1079 and offer public access by vessels to the waters of the state or  
1080 that are support facilities for recreational, commercial,  
1081 research, or governmental vessels. These facilities include

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1082 | docks, wharfs, lifts, wet and dry marinas, boat ramps, boat  
1083 | hauling and repair facilities, commercial fishing facilities,  
1084 | boat construction facilities, and other support structures over  
1085 | the water. As used in this section, the term "vessel" has the  
1086 | same meaning as in s. 327.02(37). Seaports are excluded from the  
1087 | definition.

1088 |       Section 6. This act shall take effect July 1, 2006.