CHAMBER ACTION

The State Infrastructure Council recommends the following:

1
2 **Council/Committee Substitute**
3 Remove the entire bill and insert:
4 A bill to be entitled
5 An act relating to growth management; amending s.
6 163.3177, F.S.; encouraging local governments to adopt
7 recreational surface water use policies; providing
8 criteria and exemptions for such policies; authorizing
9 assistance for the development of such policies; directing
10 the Office of Program Policy Analysis and Government
11 Accountability to submit a report to the Legislature;
12 revising a provision relating to the amount of
13 transferrable land use credits; amending s. 163.3180,
14 F.S.; conforming a cross-reference; amending s. 197.303,
15 F.S.; revising the criteria for ad valorem tax deferral
16 for working waterfront properties; including public
17 lodging establishments in the description of working
18 waterfront properties; amending s. 342.07, F.S.; adding
19 recreational activities as an important state interest;
20 including public lodging establishments within the
21 definition of the term "recreational and commercial
22 working waterfront"; creating s. 373.4132, F.S.; directing

23 water management district governing boards and the
24 Department of Environmental Protection to require permits
25 for certain activities relating to certain dry storage
26 facilities; providing criteria for application of such
27 permits; preserving regulatory authority for the
28 department and governing boards; amending s. 380.06, F.S.;
29 providing for the state land planning agency to determine
30 the amount of development that remains to be built in
31 certain circumstances; specifying certain requirements for
32 a development order; revising the circumstances in which a
33 local government may issue permits for development
34 subsequent to the buildout date; revising the definition
35 of an essentially built-out development; revising the
36 criteria under which a proposed change constitutes a
37 substantial deviation; providing criteria for calculating
38 certain deviations; clarifying the criteria under which
39 the extension of a buildout date is presumed to create a
40 substantial deviation; requiring that notice of any change
41 to certain set-aside areas be submitted to the local
42 government; requiring that notice of certain changes be
43 given to the state land planning agency, regional planning
44 agency, and local government; revising the statutory
45 exemptions from development-of-regional-impact review for
46 certain facilities; removing waterport and marina
47 developments from development-of-regional-impact review;
48 providing statutory exemptions and partial statutory
49 exemptions for the development of certain facilities;
50 providing that the impacts from an exempt use that will be

51 part of a larger project be included in the development-
52 of-regional-impact review of the larger project; providing
53 that vesting provisions relating to authorized
54 developments of regional impact are not applicable to
55 certain projects; amending s. 380.0651, F.S.; revising the
56 statewide guidelines and standards for development-of-
57 regional-impact review of office developments; deleting
58 such guidelines and standards for port facilities;
59 revising such guidelines and standards for residential
60 developments; providing such guidelines and standards for
61 workforce housing; amending s. 380.07, F.S.; revising the
62 appellate procedures for development orders within a
63 development of regional impact to the Florida Land and
64 Water Adjudicatory Commission; amending s. 380.115, F.S.;
65 providing that a change in a development-of-regional-
66 impact guideline and standard does not abridge or modify
67 any vested right or duty under a development order;
68 providing a process for the rescission of a development
69 order by the local government in certain circumstances;
70 providing an exemption for certain applications for
71 development approval and notices of proposed changes;
72 amending s. 403.813, F.S.; revising permitting exceptions
73 for the construction of private docks in certain
74 waterways; providing an effective date.
75
76 Be It Enacted by the Legislature of the State of Florida:
77

78 Section 1. Paragraph (g) of subsection (6) and paragraph
79 (d) of subsection (11) of section 163.3177, Florida Statutes,
80 are amended to read:
81 163.3177 Required and optional elements of comprehensive
82 plan; studies and surveys.--
83 (6) In addition to the requirements of subsections (1)-(5)
84 and (12), the comprehensive plan shall include the following
85 elements:
86 (g)1. For those units of local government identified in s.
87 380.24, a coastal management element, appropriately related to
88 the particular requirements of paragraphs (d) and (e) and
89 meeting the requirements of s. 163.3178(2) and (3). The coastal
90 management element shall set forth the policies that shall guide
91 the local government's decisions and program implementation with
92 respect to the following objectives:
93 a.~~1.~~ Maintenance, restoration, and enhancement of the
94 overall quality of the coastal zone environment, including, but
95 not limited to, its amenities and aesthetic values.
96 b.~~2.~~ Continued existence of viable populations of all
97 species of wildlife and marine life.
98 c.~~3.~~ The orderly and balanced utilization and
99 preservation, consistent with sound conservation principles, of
100 all living and nonliving coastal zone resources.
101 d.~~4.~~ Avoidance of irreversible and irretrievable loss of
102 coastal zone resources.
103 e.~~5.~~ Ecological planning principles and assumptions to be
104 used in the determination of suitability and extent of permitted
105 development.

106 f.~~6.~~ Proposed management and regulatory techniques.
107 g.~~7.~~ Limitation of public expenditures that subsidize
108 development in high-hazard coastal areas.
109 h.~~8.~~ Protection of human life against the effects of
110 natural disasters.
111 i.~~9.~~ The orderly development, maintenance, and use of
112 ports identified in s. 403.021(9) to facilitate deepwater
113 commercial navigation and other related activities.
114 j.~~10.~~ Preservation, including sensitive adaptive use of
115 historic and archaeological resources.
116 2. As part of this element, a local government that has a
117 coastal management element in its comprehensive plan is
118 encouraged to adopt recreational surface water use policies that
119 include applicable criteria for and consider such factors as
120 natural resources, manatee protection needs, protection of
121 working waterfronts and public access to the water, and
122 recreation and economic demands. Criteria for manatee protection
123 in the recreational surface water use policies should reflect
124 applicable guidance outlined in the Boat Facility Siting Guide
125 prepared by the Fish and Wildlife Conservation Commission. If
126 the local government elects to adopt recreational surface water
127 use policies by comprehensive plan amendment, such comprehensive
128 plan amendment is exempt from the provisions of s. 163.3187(1).
129 Local governments that wish to adopt recreational surface water
130 use policies may be eligible for assistance with the development
131 of such policies through the Florida Coastal Management Program.
132 The Office of Program Policy Analysis and Government
133 Accountability shall submit a report on the adoption of

134 recreational surface water use policies under this subparagraph
135 to the President of the Senate, the Speaker of the House of
136 Representatives, and the majority and minority leaders of the
137 Senate and the House of Representatives no later than December
138 1, 2010.
139 (11)
140 (d)1. The department, in cooperation with the Department
141 of Agriculture and Consumer Services, the Department of
142 Environmental Protection, water management districts, and
143 regional planning councils, shall provide assistance to local
144 governments in the implementation of this paragraph and rule 9J-
145 5.006(5)(l), Florida Administrative Code. Implementation of
146 those provisions shall include a process by which the department
147 may authorize local governments to designate all or portions of
148 lands classified in the future land use element as predominantly
149 agricultural, rural, open, open-rural, or a substantively
150 equivalent land use, as a rural land stewardship area within
151 which planning and economic incentives are applied to encourage
152 the implementation of innovative and flexible planning and
153 development strategies and creative land use planning
154 techniques, including those contained herein and in rule 9J-
155 5.006(5)(l), Florida Administrative Code. Assistance may
156 include, but is not limited to:
157 a. Assistance from the Department of Environmental
158 Protection and water management districts in creating the
159 geographic information systems land cover database and aerial
160 photogrammetry needed to prepare for a rural land stewardship
161 area;

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162 b. Support for local government implementation of rural
163 land stewardship concepts by providing information and
164 assistance to local governments regarding land acquisition
165 programs that may be used by the local government or landowners
166 to leverage the protection of greater acreage and maximize the
167 effectiveness of rural land stewardship areas; and
168 c. Expansion of the role of the Department of Community
169 Affairs as a resource agency to facilitate establishment of
170 rural land stewardship areas in smaller rural counties that do
171 not have the staff or planning budgets to create a rural land
172 stewardship area.
173 2. The department shall encourage participation by local
174 governments of different sizes and rural characteristics in
175 establishing and implementing rural land stewardship areas. It
176 is the intent of the Legislature that rural land stewardship
177 areas be used to further the following broad principles of rural
178 sustainability: restoration and maintenance of the economic
179 value of rural land; control of urban sprawl; identification and
180 protection of ecosystems, habitats, and natural resources;
181 promotion of rural economic activity; maintenance of the
182 viability of Florida's agricultural economy; and protection of
183 the character of rural areas of Florida. Rural land stewardship
184 areas may be multicounty in order to encourage coordinated
185 regional stewardship planning.
186 3. A local government, in conjunction with a regional
187 planning council, a stakeholder organization of private land
188 owners, or another local government, shall notify the department
189 in writing of its intent to designate a rural land stewardship

190 area. The written notification shall describe the basis for the
191 designation, including the extent to which the rural land
192 stewardship area enhances rural land values, controls urban
193 sprawl, provides necessary open space for agriculture and
194 protection of the natural environment, promotes rural economic
195 activity, and maintains rural character and the economic
196 viability of agriculture.
197 4. A rural land stewardship area shall be not less than
198 10,000 acres and shall be located outside of municipalities and
199 established urban growth boundaries, and shall be designated by
200 plan amendment. The plan amendment designating a rural land
201 stewardship area shall be subject to review by the Department of
202 Community Affairs pursuant to s. 163.3184 and shall provide for
203 the following:
204 a. Criteria for the designation of receiving areas within
205 rural land stewardship areas in which innovative planning and
206 development strategies may be applied. Criteria shall at a
207 minimum provide for the following: adequacy of suitable land to
208 accommodate development so as to avoid conflict with
209 environmentally sensitive areas, resources, and habitats;
210 compatibility between and transition from higher density uses to
211 lower intensity rural uses; the establishment of receiving area
212 service boundaries which provide for a separation between
213 receiving areas and other land uses within the rural land
214 stewardship area through limitations on the extension of
215 services; and connection of receiving areas with the rest of the
216 rural land stewardship area using rural design and rural road
217 corridors.

218 b. Goals, objectives, and policies setting forth the
219 innovative planning and development strategies to be applied
220 within rural land stewardship areas pursuant to the provisions
221 of this section.
222 c. A process for the implementation of innovative planning
223 and development strategies within the rural land stewardship
224 area, including those described in this subsection and rule 9J-
225 5.006(5)(l), Florida Administrative Code, which provide for a
226 functional mix of land uses, including adequate available
227 workforce housing, including low, very-low and moderate income
228 housing for the development anticipated in the receiving area
229 and which are applied through the adoption by the local
230 government of zoning and land development regulations applicable
231 to the rural land stewardship area.
232 d. A process which encourages visioning pursuant to s.
233 163.3167(11) to ensure that innovative planning and development
234 strategies comply with the provisions of this section.
235 e. The control of sprawl through the use of innovative
236 strategies and creative land use techniques consistent with the
237 provisions of this subsection and rule 9J-5.006(5)(l), Florida
238 Administrative Code.
239 5. A receiving area shall be designated by the adoption of
240 a land development regulation. Prior to the designation of a
241 receiving area, the local government shall provide the
242 Department of Community Affairs a period of 30 days in which to
243 review a proposed receiving area for consistency with the rural
244 land stewardship area plan amendment and to provide comments to
245 the local government. At the time of designation of a

246 stewardship receiving area, a listed species survey will be
247 performed. If listed species occur on the receiving area site,
248 the developer shall coordinate with each appropriate local,
249 state, or federal agency to determine if adequate provisions
250 have been made to protect those species in accordance with
251 applicable regulations. In determining the adequacy of
252 provisions for the protection of listed species and their
253 habitats, the rural land stewardship area shall be considered as
254 a whole, and the impacts to areas to be developed as receiving
255 areas shall be considered together with the environmental
256 benefits of areas protected as sending areas in fulfilling this
257 criteria.
258 6. Upon the adoption of a plan amendment creating a rural
259 land stewardship area, the local government shall, by ordinance,
260 establish the methodology for the creation, conveyance, and use
261 of transferable rural land use credits, otherwise referred to as
262 stewardship credits, the application of which shall not
263 constitute a right to develop land, nor increase density of
264 land, except as provided by this section. The total amount of
265 transferable rural land use credits within the rural land
266 stewardship area must enable the realization of the long-term
267 vision and goals for the 25-year or greater projected population
268 of the rural land stewardship area, which may take into
269 consideration the anticipated effect of the proposed receiving
270 areas. Transferable rural land use credits are subject to the
271 following limitations:
272 a. Transferable rural land use credits may only exist
273 within a rural land stewardship area.

274 b. Transferable rural land use credits may only be used on
275 lands designated as receiving areas and then solely for the
276 purpose of implementing innovative planning and development
277 strategies and creative land use planning techniques adopted by
278 the local government pursuant to this section.
279 c. Transferable rural land use credits assigned to a
280 parcel of land within a rural land stewardship area shall cease
281 to exist if the parcel of land is removed from the rural land
282 stewardship area by plan amendment.
283 d. Neither the creation of the rural land stewardship area
284 by plan amendment nor the assignment of transferable rural land
285 use credits by the local government shall operate to displace
286 the underlying density of land uses assigned to a parcel of land
287 within the rural land stewardship area; however, if transferable
288 rural land use credits are transferred from a parcel for use
289 within a designated receiving area, the underlying density
290 assigned to the parcel of land shall cease to exist.
291 e. The underlying density on each parcel of land located
292 within a rural land stewardship area shall not be increased or
293 decreased by the local government, except as a result of the
294 conveyance or use of transferable rural land use credits, as
295 long as the parcel remains within the rural land stewardship
296 area.
297 f. Transferable rural land use credits shall cease to
298 exist on a parcel of land where the underlying density assigned
299 to the parcel of land is utilized.
300 g. An increase in the density of use on a parcel of land
301 located within a designated receiving area may occur only

302 through the assignment or use of transferable rural land use
303 credits and shall not require a plan amendment.
304 h. A change in the density of land use on parcels located
305 within receiving areas shall be specified in a development order
306 which reflects the total number of transferable rural land use
307 credits assigned to the parcel of land and the infrastructure
308 and support services necessary to provide for a functional mix
309 of land uses corresponding to the plan of development.
310 i. Land within a rural land stewardship area may be
311 removed from the rural land stewardship area through a plan
312 amendment.
313 j. Transferable rural land use credits may be assigned at
314 different ratios of credits per acre according to the natural
315 resource or other beneficial use characteristics of the land and
316 according to the land use remaining following the transfer of
317 credits, with the highest number of credits per acre assigned to
318 the most environmentally valuable land or, in locations where
319 the retention of open space and agricultural land is a priority,
320 to such lands.
321 k. The use or conveyance of transferable rural land use
322 credits must be recorded in the public records of the county in
323 which the property is located as a covenant or restrictive
324 easement running with the land in favor of the county and either
325 the Department of Environmental Protection, Department of
326 Agriculture and Consumer Services, a water management district,
327 or a recognized statewide land trust.
328 7. Owners of land within rural land stewardship areas
329 should be provided incentives to enter into rural land

330 stewardship agreements, pursuant to existing law and rules
331 adopted thereto, with state agencies, water management
332 districts, and local governments to achieve mutually agreed upon
333 conservation objectives. Such incentives may include, but not be
334 limited to, the following:
335 a. Opportunity to accumulate transferable mitigation
336 credits.
337 b. Extended permit agreements.
338 c. Opportunities for recreational leases and ecotourism.
339 d. Payment for specified land management services on
340 publicly owned land, or property under covenant or restricted
341 easement in favor of a public entity.
342 e. Option agreements for sale to public entities or
343 private land conservation entities, in either fee or easement,
344 upon achievement of conservation objectives.
345 8. The department shall report to the Legislature on an
346 annual basis on the results of implementation of rural land
347 stewardship areas authorized by the department, including
348 successes and failures in achieving the intent of the
349 Legislature as expressed in this paragraph.
350 Section 2. Paragraph (a) of subsection (12) of section
351 163.3180, Florida Statutes, is amended to read:
352 163.3180 Concurrency.--
353 (12) When authorized by a local comprehensive plan, a
354 multiuse development of regional impact may satisfy the
355 transportation concurrency requirements of the local
356 comprehensive plan, the local government's concurrency
357 management system, and s. 380.06 by payment of a proportionate-

358 share contribution for local and regionally significant traffic
359 impacts, if:
360 (a) The development of regional impact meets or exceeds
361 the guidelines and standards of s. 380.0651(3)(h)~~(i)~~ and rule
362 28-24.032(2), Florida Administrative Code, and includes a
363 residential component that contains at least 100 residential
364 dwelling units or 15 percent of the applicable residential
365 guideline and standard, whichever is greater;
366
367 The proportionate-share contribution may be applied to any
368 transportation facility to satisfy the provisions of this
369 subsection and the local comprehensive plan, but, for the
370 purposes of this subsection, the amount of the proportionate-
371 share contribution shall be calculated based upon the cumulative
372 number of trips from the proposed development expected to reach
373 roadways during the peak hour from the complete buildout of a
374 stage or phase being approved, divided by the change in the peak
375 hour maximum service volume of roadways resulting from
376 construction of an improvement necessary to maintain the adopted
377 level of service, multiplied by the construction cost, at the
378 time of developer payment, of the improvement necessary to
379 maintain the adopted level of service. For purposes of this
380 subsection, "construction cost" includes all associated costs of
381 the improvement.
382 Section 3. Subsection (3) of section 197.303, Florida
383 Statutes, is amended to read:
384 197.303 Ad valorem tax deferral for recreational and
385 commercial working waterfront properties.--

386 (3) The ordinance shall designate the percentage or amount
387 of the deferral and the type and location of working waterfront
388 property, including the type of public lodging establishments,
389 for which deferrals may be granted, which may include any
390 property meeting the provisions of s. 342.07(2), which property
391 may be further required to be located within a particular
392 geographic area or areas of the county or municipality.
393 Section 4. Section 342.07, Florida Statutes, is amended to
394 read:
395 342.07 Recreational and commercial working waterfronts;
396 legislative findings; definitions.--
397 (1) The Legislature recognizes that there is an important
398 state interest in facilitating boating and other recreational
399 access to the state's navigable waters. This access is vital to
400 tourists and recreational users and the marine industry in the
401 state, to maintaining or enhancing the $57 billion economic
402 impact of tourism and the $14 billion economic impact of boating
403 in the state annually, and to ensuring continued access to all
404 residents and visitors to the navigable waters of the state. The
405 Legislature recognizes that there is an important state interest
406 in maintaining viable water-dependent support facilities, such
407 as public lodging establishments and boat hauling and repairing
408 and commercial fishing facilities, and in maintaining the
409 availability of public access to the navigable waters of the
410 state. The Legislature further recognizes that the waterways of
411 the state are important for engaging in commerce and the
412 transportation of goods and people upon such waterways and that
413 such commerce and transportation is not feasible unless there is

414 access to and from the navigable waters of the state through
415 recreational and commercial working waterfronts.
416 (2) As used in this section, the term "recreational and
417 commercial working waterfront" means a parcel or parcels of real
418 property that provide access for water-dependent commercial and
419 recreational activities, including public lodging establishments
420 as defined in chapter 509, or provide access for the public to
421 the navigable waters of the state. Recreational and commercial
422 working waterfronts require direct access to or a location on,
423 over, or adjacent to a navigable body of water. The term
424 includes water-dependent facilities that are open to the public
425 and offer public access by vessels to the waters of the state or
426 that are support facilities for recreational, commercial,
427 research, or governmental vessels. These facilities include
428 public lodging establishments, docks, wharfs, lifts, wet and dry
429 marinas, boat ramps, boat hauling and repair facilities,
430 commercial fishing facilities, boat construction facilities, and
431 other support structures over the water. As used in this
432 section, the term "vessel" has the same meaning as in s.
433 327.02(37). Seaports are excluded from the definition.
434 Section 5. Section 373.4132, Florida Statutes, is created
435 to read:
436 373.4132 Dry storage facility permitting.--The governing
437 board or the department shall require a permit under this part,
438 including s. 373.4145, for the construction, alteration,
439 operation, maintenance, abandonment, or removal of a dry storage
440 facility for 10 or more vessels that is functionally associated
441 with a boat launching area. As part of an applicant's

442 demonstration that such a facility will not be harmful to the
443 water resources and will not be inconsistent with the overall
444 objectives of the district, the governing board or department
445 shall require the applicant to provide reasonable assurance that
446 the secondary impacts from the facility will not cause adverse
447 impacts to the functions of wetlands and surface waters,
448 including violations of state water quality standards applicable
449 to waters as defined in s. 403.031(13), and will meet the public
450 interest test of s. 373.414(1)(a), including the potential
451 adverse impacts to manatees. Nothing in this section shall
452 affect the authority of the governing board or the department to
453 regulate such secondary impacts under this part for other
454 regulated activities.
455 Section 6. Paragraph (d) of subsection (2), paragraphs (a)
456 and (i) of subsection (4), and subsections (15), (19), and (24)
457 of section 380.06, Florida Statutes, are amended, and subsection
458 (28) is added to that section, to read:
459 380.06 Developments of regional impact.--
460 (2) STATEWIDE GUIDELINES AND STANDARDS.--
461 (d) The guidelines and standards shall be applied as
462 follows:
463 1. Fixed thresholds.--
464 a. A development that is below 100 percent of all
465 numerical thresholds in the guidelines and standards shall not
466 be required to undergo development-of-regional-impact review.
467 b. A development that is at or above 120 percent of any
468 numerical threshold shall be required to undergo development-of-
469 regional-impact review.

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470 c. Projects certified under s. 403.973 which create at
471 least 100 jobs and meet the criteria of the Office of Tourism,
472 Trade, and Economic Development as to their impact on an area's
473 economy, employment, and prevailing wage and skill levels that
474 are at or below 100 percent of the numerical thresholds for
475 industrial plants, industrial parks, distribution, warehousing
476 or wholesaling facilities, office development or multiuse
477 projects other than residential, as described in s.
478 380.0651(3)(c), (d), and (h) ~~(i)~~, are not required to undergo
479 development-of-regional-impact review.
480 2. Rebuttable presumption.--It shall be presumed that a
481 development that is at 100 percent or between 100 and 120
482 percent of a numerical threshold shall be required to undergo
483 development-of-regional-impact review.
484 (4) BINDING LETTER.--
485 (a) If any developer is in doubt whether his or her
486 proposed development must undergo development-of-regional-impact
487 review under the guidelines and standards, whether his or her
488 rights have vested pursuant to subsection (20), or whether a
489 proposed substantial change to a development of regional impact
490 concerning which rights had previously vested pursuant to
491 subsection (20) would divest such rights, the developer may
492 request a determination from the state land planning agency. The
493 developer or the appropriate local government having
494 jurisdiction may request that the state land planning agency
495 determine whether the amount of development that remains to be
496 built in an approved development of regional impact meets the
497 criteria of subparagraph (15)(g)3.

498 (i) In response to an inquiry from a developer or the
499 appropriate local government having jurisdiction, the state land
500 planning agency may issue an informal determination in the form
501 of a clearance letter as to whether a development is required to
502 undergo development-of-regional-impact review or whether the
503 amount of development that remains to be built in an approved
504 development of regional impact meets the criteria of
505 subparagraph (15)(g)3. A clearance letter may be based solely on
506 the information provided by the developer, and the state land
507 planning agency is not required to conduct an investigation of
508 that information. If any material information provided by the
509 developer is incomplete or inaccurate, the clearance letter is
510 not binding upon the state land planning agency. A clearance
511 letter does not constitute final agency action.
512 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--
513 (a) The appropriate local government shall render a
514 decision on the application within 30 days after the hearing
515 unless an extension is requested by the developer.
516 (b) When possible, local governments shall issue
517 development orders concurrently with any other local permits or
518 development approvals that may be applicable to the proposed
519 development.
520 (c) The development order shall include findings of fact
521 and conclusions of law consistent with subsections (13) and
522 (14). The development order:
523 1. Shall specify the monitoring procedures and the local
524 official responsible for assuring compliance by the developer
525 with the development order.

526 2. Shall establish compliance dates for the development
527 order, including a deadline for commencing physical development
528 and for compliance with conditions of approval or phasing
529 requirements, and shall include a buildout ~~termination~~ date that
530 reasonably reflects the time anticipated ~~required~~ to complete
531 the development.
532 3. Shall establish a date until which the local government
533 agrees that the approved development of regional impact shall
534 not be subject to downzoning, unit density reduction, or
535 intensity reduction, unless the local government can demonstrate
536 that substantial changes in the conditions underlying the
537 approval of the development order have occurred or the
538 development order was based on substantially inaccurate
539 information provided by the developer or that the change is
540 clearly established by local government to be essential to the
541 public health, safety, or welfare. The date established pursuant
542 to this subparagraph shall be no sooner than the buildout date
543 of the project.
544 4. Shall specify the requirements for the biennial report
545 designated under subsection (18), including the date of
546 submission, parties to whom the report is submitted, and
547 contents of the report, based upon the rules adopted by the
548 state land planning agency. Such rules shall specify the scope
549 of any additional local requirements that may be necessary for
550 the report.
551 5. May specify the types of changes to the development
552 which shall require submission for a substantial deviation

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553 determination or a notice of proposed change under subsection
554 (19).
555 6. Shall include a legal description of the property.
556 (d) Conditions of a development order that require a
557 developer to contribute land for a public facility or construct,
558 expand, or pay for land acquisition or construction or expansion
559 of a public facility, or portion thereof, shall meet the
560 following criteria:
561 1. The need to construct new facilities or add to the
562 present system of public facilities must be reasonably
563 attributable to the proposed development.
564 2. Any contribution of funds, land, or public facilities
565 required from the developer shall be comparable to the amount of
566 funds, land, or public facilities that the state or the local
567 government would reasonably expect to expend or provide, based
568 on projected costs of comparable projects, to mitigate the
569 impacts reasonably attributable to the proposed development.
570 3. Any funds or lands contributed must be expressly
571 designated and used to mitigate impacts reasonably attributable
572 to the proposed development.
573 4. Construction or expansion of a public facility by a
574 nongovernmental developer as a condition of a development order
575 to mitigate the impacts reasonably attributable to the proposed
576 development is not subject to competitive bidding or competitive
577 negotiation for selection of a contractor or design professional
578 for any part of the construction or design ~~unless required by~~
579 ~~the local government that issues the development order~~.

580 (e)1. ~~Effective July 1, 1986,~~ A local government shall not
581 include, as a development order condition for a development of
582 regional impact, any requirement that a developer contribute or
583 pay for land acquisition or construction or expansion of public
584 facilities or portions thereof unless the local government has
585 enacted a local ordinance which requires other development not
586 subject to this section to contribute its proportionate share of
587 the funds, land, or public facilities necessary to accommodate
588 any impacts having a rational nexus to the proposed development,
589 and the need to construct new facilities or add to the present
590 system of public facilities must be reasonably attributable to
591 the proposed development.
592 2. A local government shall not approve a development of
593 regional impact that does not make adequate provision for the
594 public facilities needed to accommodate the impacts of the
595 proposed development unless the local government includes in the
596 development order a commitment by the local government to
597 provide these facilities consistently with the development
598 schedule approved in the development order; however, a local
599 government's failure to meet the requirements of subparagraph 1.
600 and this subparagraph shall not preclude the issuance of a
601 development order where adequate provision is made by the
602 developer for the public facilities needed to accommodate the
603 impacts of the proposed development. Any funds or lands
604 contributed by a developer must be expressly designated and used
605 to accommodate impacts reasonably attributable to the proposed
606 development.

607 3. The Department of Community Affairs and other state and
608 regional agencies involved in the administration and
609 implementation of this act shall cooperate and work with units
610 of local government in preparing and adopting local impact fee
611 and other contribution ordinances.
612 (f) Notice of the adoption of a development order or the
613 subsequent amendments to an adopted development order shall be
614 recorded by the developer, in accordance with s. 28.222, with
615 the clerk of the circuit court for each county in which the
616 development is located. The notice shall include a legal
617 description of the property covered by the order and shall state
618 which unit of local government adopted the development order,
619 the date of adoption, the date of adoption of any amendments to
620 the development order, the location where the adopted order with
621 any amendments may be examined, and that the development order
622 constitutes a land development regulation applicable to the
623 property. The recording of this notice shall not constitute a
624 lien, cloud, or encumbrance on real property, or actual or
625 constructive notice of any such lien, cloud, or encumbrance.
626 This paragraph applies only to developments initially approved
627 under this section after July 1, 1980.
628 (g) A local government shall not issue permits for
629 development subsequent to the buildout ~~termination date or~~
630 ~~expiration~~ date contained in the development order unless:
631 1. The proposed development has been evaluated
632 cumulatively with existing development under the substantial
633 deviation provisions of subsection (19) subsequent to the
634 termination or expiration date;

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635 2. The proposed development is consistent with an
636 abandonment of development order that has been issued in
637 accordance with the provisions of subsection (26); ~~or~~
638 <u>3. The development of regional impact is essentially built</u>
639 <u>out, in that all the mitigation requirements in the development</u>
640 <u>order have been satisfied, all developers are in compliance with</u>
641 <u>all applicable terms and conditions of the development order</u>
642 <u>except the buildout date, and the amount of proposed development</u>
643 <u>that remains to be built is less than 20 percent of any</u>
644 <u>applicable development-of-regional-impact threshold; or</u>
645 <u>4.</u>~~3.~~ The project has been determined to be an essentially
646 built-out development of regional impact through an agreement
647 executed by the developer, the state land planning agency, and
648 the local government, in accordance with s. 380.032, which will
649 establish the terms and conditions under which the development
650 may be continued. If the project is determined to be essentially
651 <u>built out</u> ~~built-out~~, development may proceed pursuant to the s.
652 380.032 agreement after the termination or expiration date
653 contained in the development order without further development-
654 of-regional-impact review subject to the local government
655 comprehensive plan and land development regulations or subject
656 to a modified development-of-regional-impact analysis. As used
657 in this paragraph, an "essentially built-out" development of
658 regional impact means:
659 a. The <u>developers are</u> ~~development is~~ in compliance with
660 all applicable terms and conditions of the development order
661 except the <u>buildout</u> ~~built-out~~ date; and

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662 b.(I) The amount of development that remains to be built
663 is less than the substantial deviation threshold specified in
664 paragraph (19)(b) for each individual land use category, or, for
665 a multiuse development, the sum total of all unbuilt land uses
666 as a percentage of the applicable substantial deviation
667 threshold is equal to or less than 100 percent; or
668 (II) The state land planning agency and the local
669 government have agreed in writing that the amount of development
670 to be built does not create the likelihood of any additional
671 regional impact not previously reviewed.
672
673 The single-family residential portions of a development may be
674 considered "essentially built out" if all of the workforce
675 housing obligations and all of the infrastructure and horizontal
676 development have been completed, at least 50 percent of the
677 dwelling units have been completed, and more than 80 percent of
678 the lots have been conveyed to third-party individual lot owners
679 or to individual builders who own no more than 40 lots at the
680 time of the determination. The mobile home park portions of a
681 development may be considered "essentially built out" if all the
682 infrastructure and horizontal development has been completed,
683 and at least 50 percent of the lots are leased to individual
684 mobile home owners.
685 (h) If the property is annexed by another local
686 jurisdiction, the annexing jurisdiction shall adopt a new
687 development order that incorporates all previous rights and
688 obligations specified in the prior development order.
689 (19) SUBSTANTIAL DEVIATIONS.--

690 (a) Any proposed change to a previously approved
691 development which creates a reasonable likelihood of additional
692 regional impact, or any type of regional impact created by the
693 change not previously reviewed by the regional planning agency,
694 shall constitute a substantial deviation and shall cause the
695 proposed change ~~development~~ to be subject to further
696 development-of-regional-impact review. There are a variety of
697 reasons why a developer may wish to propose changes to an
698 approved development of regional impact, including changed
699 market conditions. The procedures set forth in this subsection
700 are for that purpose.
701 (b) Any proposed change to a previously approved
702 development of regional impact or development order condition
703 which, either individually or cumulatively with other changes,
704 exceeds any of the following criteria shall constitute a
705 substantial deviation and shall cause the development to be
706 subject to further development-of-regional-impact review without
707 the necessity for a finding of same by the local government:
708 1. An increase in the number of parking spaces at an
709 attraction or recreational facility by 10 ~~5~~ percent or 330 ~~300~~
710 spaces, whichever is greater, or an increase in the number of
711 spectators that may be accommodated at such a facility by 10 ~~5~~
712 percent or 1,100 ~~1,000~~ spectators, whichever is greater.
713 2. A new runway, a new terminal facility, a 25-percent
714 lengthening of an existing runway, or a 25-percent increase in
715 the number of gates of an existing terminal, but only if the
716 increase adds at least three additional gates.

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717 ~~3. An increase in the number of hospital beds by 5 percent~~
718 ~~or 60 beds, whichever is greater.~~
719 <u>3.</u>~~4.~~ An increase in industrial development area by <u>10</u> ~~5~~
720 percent or <u>35</u> ~~32~~ acres, whichever is greater.
721 <u>4.</u>~~5.~~ An increase in the average annual acreage mined by <u>10</u>
722 ~~5~~ percent or <u>11</u> ~~10~~ acres, whichever is greater, or an increase
723 in the average daily water consumption by a mining operation by
724 <u>10</u> ~~5~~ percent or <u>330,000</u> ~~300,000~~ gallons, whichever is greater. <u>A</u>
725 <u>net</u> ~~An~~ increase in the size of the mine by <u>10</u> ~~5~~ percent or <u>825</u>
726 ~~750~~ acres, whichever is less. <u>For purposes of calculating any</u>
727 <u>net increases in size, only additions and deletions of lands</u>
728 <u>that have not been mined shall be considered.</u> An increase in the
729 size of a heavy mineral mine as defined in s. 378.403(7) will
730 only constitute a substantial deviation if the average annual
731 acreage mined is more than <u>550</u> ~~500~~ acres and consumes more than
732 <u>3.3</u> ~~3~~ million gallons of water per day.
733 <u>5.</u>~~6.~~ An increase in land area for office development by <u>10</u>
734 ~~5~~ percent or an increase of gross floor area of office
735 development by <u>10</u> ~~5~~ percent or <u>66,000</u> ~~60,000~~ gross square feet,
736 whichever is greater.
737 ~~7. An increase in the storage capacity for chemical or~~
738 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or 7~~
739 ~~million pounds, whichever is greater.~~
740 ~~8. An increase of development at a waterport of wet~~
741 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~
742 ~~wet/dry storage for 60 watercraft in an area identified in the~~
743 ~~state marina siting plan as an appropriate site for additional~~

744 waterport development or a 5-percent increase in watercraft
745 storage capacity, whichever is greater.
746 6.9. An increase in the number of dwelling units by 10 5
747 percent or 55 50 dwelling units, whichever is greater.
748 7. An increase in the number of dwelling units by 50
749 percent or 200 units, whichever is greater, provided that 15
750 percent of the proposed additional dwelling units are dedicated
751 to affordable workforce housing, subject to a recorded land use
752 restriction that shall be for a period of not less than 20 years
753 and that includes resale provisions to ensure long-term
754 affordability for income-eligible homeowners and renters and
755 provisions for the workforce housing to be commenced prior to
756 the completion of 50 percent of the market rate dwelling. For
757 purposes of this subparagraph, the term "affordable workforce
758 housing" means housing that is affordable to a person who earns
759 less than 120 percent of the area median income, or less than
760 140 percent of the area median income if located in a county in
761 which the median purchase price for a single-family existing
762 home exceeds the statewide median purchase price of a single-
763 family existing home. For purposes of this subparagraph, the
764 term "statewide median purchase price of a single-family
765 existing home" means the statewide purchase price as determined
766 in the Florida Sales Report, Single-Family Existing Homes,
767 released each January by the Florida Association of Realtors and
768 the University of Florida Real Estate Research Center.
769 8.10. An increase in commercial development by 55,000
770 50,000 square feet of gross floor area or of parking spaces

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771 provided for customers for 330 ~~300~~ cars or a 10-percent ~~5-~~
772 ~~percent~~ increase of either of these, whichever is greater.
773 9.~~11.~~ An increase in hotel or motel rooms ~~facility units~~
774 by 10 ~~5~~ percent or 83 rooms ~~75 units~~, whichever is greater.
775 10.~~12.~~ An increase in a recreational vehicle park area by
776 10 ~~5~~ percent or 110 ~~100~~ vehicle spaces, whichever is less.
777 11.~~13.~~ A decrease in the area set aside for open space of
778 5 percent or 20 acres, whichever is less.
779 12.~~14.~~ A proposed increase to an approved multiuse
780 development of regional impact where the sum of the increases of
781 each land use as a percentage of the applicable substantial
782 deviation criteria is equal to or exceeds 110 ~~100~~ percent. The
783 percentage of any decrease in the amount of open space shall be
784 treated as an increase for purposes of determining when 110 ~~100~~
785 percent has been reached or exceeded.
786 13.~~15.~~ A 15-percent increase in the number of external
787 vehicle trips generated by the development above that which was
788 projected during the original development-of-regional-impact
789 review.
790 14.~~16.~~ Any change which would result in development of any
791 area which was specifically set aside in the application for
792 development approval or in the development order for
793 preservation or special protection of endangered or threatened
794 plants or animals designated as endangered, threatened, or
795 species of special concern and their habitat, any species
796 protected by 16 U.S.C. s. 668a-668d, primary dunes, or
797 archaeological and historical sites designated as significant by
798 the Division of Historical Resources of the Department of State.

799 The ~~further~~ refinement of <u>the boundaries and configuration of</u>
800 such areas ~~by survey~~ shall be considered under sub-subparagraph
801 <u>(e)2.j.</u> ~~(e)5.b.~~
802
803 The substantial deviation numerical standards in subparagraphs
804 <u>3., 5., 8., 9., and 12.</u> ~~4., 6., 10., 14.~~, excluding residential
805 uses, and <u>in subparagraph 13.</u> ~~15.,~~ are increased by 100 percent
806 for a project certified under s. 403.973 which creates jobs and
807 meets criteria established by the Office of Tourism, Trade, and
808 Economic Development as to its impact on an area's economy,
809 employment, and prevailing wage and skill levels. The
810 substantial deviation numerical standards in subparagraphs <u>3.,</u>
811 <u>5., 6., 7., 8., 9., 12., and 13.</u> ~~4., 6., 9., 10., 11., and 14.~~
812 are increased by 50 percent for a project located wholly within
813 an urban infill and redevelopment area designated on the
814 applicable adopted local comprehensive plan future land use map
815 and not located within the coastal high hazard area.
816 (c) An extension of the date of buildout of a development,
817 or any phase thereof, by <u>more than</u> 7 ~~or more~~ years shall be
818 presumed to create a substantial deviation subject to further
819 development-of-regional-impact review. An extension of the date
820 of buildout, or any phase thereof, of <u>more than</u> 5 years ~~or more~~
821 but <u>not more</u> ~~less~~ than 7 years shall be presumed not to create a
822 substantial deviation. The extension of the date of buildout of
823 an areawide development of regional impact by more than 5 years
824 but less than 10 years is presumed not to create a substantial
825 deviation. These presumptions may be rebutted by clear and
826 convincing evidence at the public hearing held by the local

827 government. An extension of 5 years or less ~~than 5 years~~ is not
828 a substantial deviation. For the purpose of calculating when a
829 buildout or~~,~~ phase~~, or termination~~ date has been exceeded, the
830 time shall be tolled during the pendency of administrative or
831 judicial proceedings relating to development permits. Any
832 extension of the buildout date of a project or a phase thereof
833 shall automatically extend the commencement date of the project,
834 the termination date of the development order, the expiration
835 date of the development of regional impact, and the phases
836 thereof if applicable by a like period of time.
837 (d) A change in the plan of development of an approved
838 development of regional impact resulting from requirements
839 imposed by the Department of Environmental Protection or any
840 water management district created by s. 373.069 or any of their
841 successor agencies or by any appropriate federal regulatory
842 agency shall be submitted to the local government pursuant to
843 this subsection. The change shall be presumed not to create a
844 substantial deviation subject to further development-of-
845 regional-impact review. The presumption may be rebutted by clear
846 and convincing evidence at the public hearing held by the local
847 government.
848 (e)1. Except for a development order rendered pursuant to
849 subsection (22) or subsection (25), a proposed change to a
850 development order that individually or cumulatively with any
851 previous change is less than any numerical criterion contained
852 in subparagraphs (b)1.-13. ~~(b)1. 15.~~ and does not exceed any
853 other criterion, or that involves an extension of the buildout
854 date of a development, or any phase thereof, of less than 5

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855 years is not subject to the public hearing requirements of
856 subparagraph (f)3., and is not subject to a determination
857 pursuant to subparagraph (f)5. Notice of the proposed change
858 shall be made to the regional planning council and the state
859 land planning agency. Such notice shall include a description of
860 previous individual changes made to the development, including
861 changes previously approved by the local government, and shall
862 include appropriate amendments to the development order.
863 2. The following changes, individually or cumulatively
864 with any previous changes, are not substantial deviations:
865 a. Changes in the name of the project, developer, owner,
866 or monitoring official.
867 b. Changes to a setback that do not affect noise buffers,
868 environmental protection or mitigation areas, or archaeological
869 or historical resources.
870 c. Changes to minimum lot sizes.
871 d. Changes in the configuration of internal roads that do
872 not affect external access points.
873 e. Changes to the building design or orientation that stay
874 approximately within the approved area designated for such
875 building and parking lot, and which do not affect historical
876 buildings designated as significant by the Division of
877 Historical Resources of the Department of State.
878 f. Changes to increase the acreage in the development,
879 provided that no development is proposed on the acreage to be
880 added.
881 g. Changes to eliminate an approved land use, provided
882 that there are no additional regional impacts.

883 h. Changes required to conform to permits approved by any
884 federal, state, or regional permitting agency, provided that
885 these changes do not create additional regional impacts.
886 i. Any renovation or redevelopment of development within a
887 previously approved development of regional impact which does
888 not change land use or increase density or intensity of use.
889 j. Changes that modify boundaries and configuration of
890 areas described in subparagraph (b)14. due to science-based
891 refinement of such areas by survey, by habitat evaluation, by
892 other recognized assessment methodology, or by an environmental
893 assessment. In order for changes to qualify under this sub-
894 subparagraph, the survey, habitat evaluation, or assessment must
895 occur prior to the time a conservation easement protecting such
896 lands is recorded and must not result in any net decrease in the
897 total acreage of the lands specifically set aside for permanent
898 preservation in the final development order.
899 k.~~j.~~ Any other change which the state land planning
900 agency, in consultation with the regional planning council,
901 agrees in writing is similar in nature, impact, or character to
902 the changes enumerated in sub-subparagraphs a.-j. ~~a.-i.~~ and
903 which does not create the likelihood of any additional regional
904 impact.
905
906 This subsection does not require the filing of a notice of
907 proposed change but shall require an application to the local
908 government to amend the development order in accordance with the
909 local government's procedures for amendment of a development
910 order. In accordance with the local government's procedures,

911 including requirements for notice to the applicant and the
912 public, the local government shall either deny the application
913 for amendment or adopt an amendment to the development order
914 which approves the application with or without conditions.
915 Following adoption, the local government shall render to the
916 state land planning agency the amendment to the development
917 order. The state land planning agency may appeal, pursuant to s.
918 380.07(3), the amendment to the development order if the
919 amendment involves sub-subparagraph g., sub-subparagraph h.,
920 sub-subparagraph j., or sub-subparagraph k. and it believes the
921 change creates a reasonable likelihood of new or additional
922 regional impacts ~~a development order amendment for any change~~
923 ~~listed in sub-subparagraphs a.-j. unless such issue is addressed~~
924 ~~either in the existing development order or in the application~~
925 ~~for development approval, but, in the case of the application,~~
926 ~~only if, and in the manner in which, the application is~~
927 ~~incorporated in the development order~~.
928 3. Except for the change authorized by sub-subparagraph
929 2.f., any addition of land not previously reviewed or any change
930 not specified in paragraph (b) or paragraph (c) shall be
931 presumed to create a substantial deviation. This presumption may
932 be rebutted by clear and convincing evidence.
933 4. Any submittal of a proposed change to a previously
934 approved development shall include a description of individual
935 changes previously made to the development, including changes
936 previously approved by the local government. The local
937 government shall consider the previous and current proposed
938 changes in deciding whether such changes cumulatively constitute

939 a substantial deviation requiring further development-of-
940 regional-impact review.
941 5. The following changes to an approved development of
942 regional impact shall be presumed to create a substantial
943 deviation. Such presumption may be rebutted by clear and
944 convincing evidence.
945 a. A change proposed for 15 percent or more of the acreage
946 to a land use not previously approved in the development order.
947 Changes of less than 15 percent shall be presumed not to create
948 a substantial deviation.
949 ~~b. Except for the types of uses listed in subparagraph~~
950 ~~(b)16., any change which would result in the development of any~~
951 ~~area which was specifically set aside in the application for~~
952 ~~development approval or in the development order for~~
953 ~~preservation, buffers, or special protection, including habitat~~
954 ~~for plant and animal species, archaeological and historical~~
955 ~~sites, dunes, and other special areas.~~
956 b.~~c.~~ Notwithstanding any provision of paragraph (b) to the
957 contrary, a proposed change consisting of simultaneous increases
958 and decreases of at least two of the uses within an authorized
959 multiuse development of regional impact which was originally
960 approved with three or more uses specified in s. 380.0651(3)(c),
961 (d), (e)~~(f)~~, and (f)~~(g)~~ and residential use.
962 (f)1. The state land planning agency shall establish by
963 rule standard forms for submittal of proposed changes to a
964 previously approved development of regional impact which may
965 require further development-of-regional-impact review. At a
966 minimum, the standard form shall require the developer to

967 provide the precise language that the developer proposes to
968 delete or add as an amendment to the development order.
969 2. The developer shall submit, simultaneously, to the
970 local government, the regional planning agency, and the state
971 land planning agency the request for approval of a proposed
972 change.
973 3. No sooner than 30 days but no later than 45 days after
974 submittal by the developer to the local government, the state
975 land planning agency, and the appropriate regional planning
976 agency, the local government shall give 15 days' notice and
977 schedule a public hearing to consider the change that the
978 developer asserts does not create a substantial deviation. This
979 public hearing shall be held within 60 ~~90~~ days after submittal
980 of the proposed changes, unless that time is extended by the
981 developer.
982 4. The appropriate regional planning agency or the state
983 land planning agency shall review the proposed change and, no
984 later than 45 days after submittal by the developer of the
985 proposed change, unless that time is extended by the developer,
986 and prior to the public hearing at which the proposed change is
987 to be considered, shall advise the local government in writing
988 whether it objects to the proposed change, shall specify the
989 reasons for its objection, if any, and shall provide a copy to
990 the developer.
991 5. At the public hearing, the local government shall
992 determine whether the proposed change requires further
993 development-of-regional-impact review. The provisions of
994 paragraphs (a) and (e), the thresholds set forth in paragraph

995 (b), and the presumptions set forth in paragraphs (c) and (d)
996 and subparagraph (e)3. shall be applicable in determining
997 whether further development-of-regional-impact review is
998 required.
999 6. If the local government determines that the proposed
1000 change does not require further development-of-regional-impact
1001 review and is otherwise approved, or if the proposed change is
1002 not subject to a hearing and determination pursuant to
1003 subparagraphs 3. and 5. and is otherwise approved, the local
1004 government shall issue an amendment to the development order
1005 incorporating the approved change and conditions of approval
1006 relating to the change. The requirement that a change be
1007 otherwise approved shall not be construed to require additional
1008 local review or approval if the change is allowed by applicable
1009 local ordinances without further local review or approval. The
1010 decision of the local government to approve, with or without
1011 conditions, or to deny the proposed change that the developer
1012 asserts does not require further review shall be subject to the
1013 appeal provisions of s. 380.07. However, the state land planning
1014 agency may not appeal the local government decision if it did
1015 not comply with subparagraph 4. The state land planning agency
1016 may not appeal a change to a development order made pursuant to
1017 subparagraph (e)1. or subparagraph (e)2. for developments of
1018 regional impact approved after January 1, 1980, unless the
1019 change would result in a significant impact to a regionally
1020 significant archaeological, historical, or natural resource not
1021 previously identified in the original development-of-regional-
1022 impact review.

1023 (g) If a proposed change requires further development-of-
1024 regional-impact review pursuant to this section, the review
1025 shall be conducted subject to the following additional
1026 conditions:
1027 1. The development-of-regional-impact review conducted by
1028 the appropriate regional planning agency shall address only
1029 those issues raised by the proposed change except as provided in
1030 subparagraph 2.
1031 2. The regional planning agency shall consider, and the
1032 local government shall determine whether to approve, approve
1033 with conditions, or deny the proposed change as it relates to
1034 the entire development. If the local government determines that
1035 the proposed change, as it relates to the entire development, is
1036 unacceptable, the local government shall deny the change.
1037 3. If the local government determines that the proposed
1038 change~~, as it relates to the entire development,~~ should be
1039 approved, any new conditions in the amendment to the development
1040 order issued by the local government shall address only those
1041 issues raised by the proposed change and require mitigation only
1042 for the individual and cumulative impacts of the proposed
1043 change.
1044 4. Development within the previously approved development
1045 of regional impact may continue, as approved, during the
1046 development-of-regional-impact review in those portions of the
1047 development which are not directly affected by the proposed
1048 change.
1049 (h) When further development-of-regional-impact review is
1050 required because a substantial deviation has been determined or

1051 admitted by the developer, the amendment to the development
1052 order issued by the local government shall be consistent with
1053 the requirements of subsection (15) and shall be subject to the
1054 hearing and appeal provisions of s. 380.07. The state land
1055 planning agency or the appropriate regional planning agency need
1056 not participate at the local hearing in order to appeal a local
1057 government development order issued pursuant to this paragraph.
1058 (i) An increase in the number of residential dwelling
1059 units shall not constitute a substantial deviation and shall not
1060 be subject to development-of-regional-impact review for
1061 additional impacts provided that all the residential dwelling
1062 units are dedicated to affordable workforce housing, subject to
1063 a recorded land use restriction that shall be for a period of
1064 not less than 20 years and that includes resale provisions to
1065 ensure long-term affordability for income-eligible homeowners
1066 and renters. For purposes of this paragraph, the term
1067 "affordable workforce housing" means housing that is affordable
1068 to a person who earns less than 120 percent of the area median
1069 income, or less than 140 percent of the area median income if
1070 located in a county in which the median purchase price for a
1071 single-family existing home exceeds the statewide median
1072 purchase price of a single-family existing home. For purposes of
1073 this paragraph, the term "statewide median purchase price of a
1074 single-family existing home" means the statewide purchase price
1075 as determined in the Florida Sales Report, Single-Family
1076 Existing Homes, released each January by the Florida Association
1077 of Realtors and the University of Florida Real Estate Research
1078 Center.

1079 (24) STATUTORY EXEMPTIONS.--
1080 (a) Any proposed hospital ~~which has a designed capacity of~~
1081 ~~not more than 100 beds~~ is exempt from the provisions of this
1082 section.
1083 (b) Any proposed electrical transmission line or
1084 electrical power plant is exempt from the provisions of this
1085 section~~, except any steam or solar electrical generating~~
1086 ~~facility of less than 50 megawatts in capacity attached to a~~
1087 ~~development of regional impact~~.
1088 (c) Any proposed addition to an existing sports facility
1089 complex is exempt from the provisions of this section if the
1090 addition meets the following characteristics:
1091 1. It would not operate concurrently with the scheduled
1092 hours of operation of the existing facility.
1093 2. Its seating capacity would be no more than 75 percent
1094 of the capacity of the existing facility.
1095 3. The sports facility complex property is owned by a
1096 public body prior to July 1, 1983.
1097
1098 This exemption does not apply to any pari-mutuel facility.
1099 (d) Any proposed addition or cumulative additions
1100 subsequent to July 1, 1988, to an existing sports facility
1101 complex owned by a state university is exempt if the increased
1102 seating capacity of the complex is no more than 30 percent of
1103 the capacity of the existing facility.
1104 (e) Any addition of permanent seats or parking spaces for
1105 an existing sports facility located on property owned by a
1106 public body prior to July 1, 1973, is exempt from the provisions

1107 of this section if future additions do not expand existing
1108 permanent seating or parking capacity more than 15 percent
1109 annually in excess of the prior year's capacity.
1110 (f) Any increase in the seating capacity of an existing
1111 sports facility having a permanent seating capacity of at least
1112 50,000 spectators is exempt from the provisions of this section,
1113 provided that such an increase does not increase permanent
1114 seating capacity by more than 5 percent per year and not to
1115 exceed a total of 10 percent in any 5-year period, and provided
1116 that the sports facility notifies the appropriate local
1117 government within which the facility is located of the increase
1118 at least 6 months prior to the initial use of the increased
1119 seating, in order to permit the appropriate local government to
1120 develop a traffic management plan for the traffic generated by
1121 the increase. Any traffic management plan shall be consistent
1122 with the local comprehensive plan, the regional policy plan, and
1123 the state comprehensive plan.
1124 (g) Any expansion in the permanent seating capacity or
1125 additional improved parking facilities of an existing sports
1126 facility is exempt from the provisions of this section, if the
1127 following conditions exist:
1128 1.a. The sports facility had a permanent seating capacity
1129 on January 1, 1991, of at least 41,000 spectator seats;
1130 b. The sum of such expansions in permanent seating
1131 capacity does not exceed a total of 10 percent in any 5-year
1132 period and does not exceed a cumulative total of 20 percent for
1133 any such expansions; or

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1134 c. The increase in additional improved parking facilities
1135 is a one-time addition and does not exceed 3,500 parking spaces
1136 serving the sports facility; and
1137 2. The local government having jurisdiction of the sports
1138 facility includes in the development order or development permit
1139 approving such expansion under this paragraph a finding of fact
1140 that the proposed expansion is consistent with the
1141 transportation, water, sewer and stormwater drainage provisions
1142 of the approved local comprehensive plan and local land
1143 development regulations relating to those provisions.
1144
1145 Any owner or developer who intends to rely on this statutory
1146 exemption shall provide to the department a copy of the local
1147 government application for a development permit. Within 45 days
1148 of receipt of the application, the department shall render to
1149 the local government an advisory and nonbinding opinion, in
1150 writing, stating whether, in the department's opinion, the
1151 prescribed conditions exist for an exemption under this
1152 paragraph. The local government shall render the development
1153 order approving each such expansion to the department. The
1154 owner, developer, or department may appeal the local government
1155 development order pursuant to s. 380.07, within 45 days after
1156 the order is rendered. The scope of review shall be limited to
1157 the determination of whether the conditions prescribed in this
1158 paragraph exist. If any sports facility expansion undergoes
1159 development of regional impact review, all previous expansions
1160 which were exempt under this paragraph shall be included in the
1161 development of regional impact review.

1162 (h) Expansion to port harbors, spoil disposal sites,
1163 navigation channels, turning basins, harbor berths, and other
1164 related inwater harbor facilities of ports listed in s.
1165 403.021(9)(b), port transportation facilities and projects
1166 listed in s. 311.07(3)(b), and intermodal transportation
1167 facilities identified pursuant to s. 311.09(3) are exempt from
1168 the provisions of this section when such expansions, projects,
1169 or facilities are consistent with comprehensive master plans
1170 that are in compliance with the provisions of s. 163.3178.
1171 (i) Any proposed facility for the storage of any petroleum
1172 product or any expansion of an existing facility is exempt from
1173 the provisions of this section, if the facility is consistent
1174 with a local comprehensive plan that is in compliance with s.
1175 163.3177 or is consistent with a comprehensive port master plan
1176 that is in compliance with s. 163.3178.
1177 (j) Any renovation or redevelopment within the same land
1178 parcel which does not change land use or increase density or
1179 intensity of use.
1180 (k)1. Waterport and marina development, including dry
1181 storage facilities, are exempt from the provisions of this
1182 section Any waterport or marina development is exempt from the
1183 provisions of this section if the relevant county or
1184 municipality has adopted a boating facility siting plan or
1185 policy which includes applicable criteria, considering such
1186 factors as natural resources, manatee protection needs and
1187 recreation and economic demands as generally outlined in the
1188 Bureau of Protected Species Management Boat Facility Siting
1189 Guide, dated August 2000, into the coastal management or land

1190 ~~use element of its comprehensive plan. The adoption of boating~~
1191 ~~facility siting plans or policies into the comprehensive plan is~~
1192 ~~exempt from the provisions of s. 163.3187(1). Any waterport or~~
1193 ~~marina development within the municipalities or counties with~~
1194 ~~boating facility siting plans or policies that meet the above~~
1195 ~~criteria, adopted prior to April 1, 2002, are exempt from the~~
1196 ~~provisions of this section, when their boating facility siting~~
1197 ~~plan or policy is adopted as part of the relevant local~~
1198 ~~government's comprehensive plan.~~
1199 ~~2. Within 6 months of the effective date of this law, The~~
1200 ~~Department of Community Affairs, in conjunction with the~~
1201 ~~Department of Environmental Protection and the Florida Fish and~~
1202 ~~Wildlife Conservation Commission, shall provide technical~~
1203 ~~assistance and guidelines, including model plans, policies and~~
1204 ~~criteria to local governments for the development of their~~
1205 ~~siting plans~~.
1206 (l) Any proposed development within an urban service
1207 boundary established under s. 163.3177(14) is exempt from the
1208 provisions of this section if the local government having
1209 jurisdiction over the area where the development is proposed has
1210 adopted the urban service boundary, ~~and~~ has entered into a
1211 binding agreement with ~~adjacent~~ jurisdictions that would be
1212 impacted and with the Department of Transportation regarding the
1213 mitigation of impacts on state and regional transportation
1214 facilities, and has adopted a proportionate share methodology
1215 pursuant to s. 163.3180(16).
1216 (m) Any proposed development within a rural land
1217 stewardship area created under s. 163.3177(11)(d) is exempt from

1218 the provisions of this section if the local government that has
1219 adopted the rural land stewardship area has entered into a
1220 binding agreement with jurisdictions that would be impacted and
1221 the Department of Transportation regarding the mitigation of
1222 impacts on state and regional transportation facilities, and has
1223 adopted a proportionate share methodology pursuant to s.
1224 163.3180(16).

1225 (n) Any proposed development or redevelopment within an
1226 area designated as an urban infill and redevelopment area under
1227 s. 163.2517 is exempt from ~~the provisions of~~ this section if the
1228 local government has entered into a binding agreement with
1229 jurisdictions that would be impacted and the Department of
1230 Transportation regarding the mitigation of impacts on state and
1231 regional transportation facilities, and has adopted a
1232 proportionate share methodology pursuant to s. 163.3180(16).

1233 (o) The establishment, relocation, or expansion of any
1234 military installation as defined in s. 163.3175, is exempt from
1235 this section.

1236 (p) Any self-storage warehousing that does not allow
1237 retail or other services is exempt from this section.

1238 (q) Any proposed nursing home or assisted living facility
1239 is exempt from this section.

1240 (r) Any development identified in an airport master plan
1241 and adopted into the comprehensive plan pursuant to s.
1242 163.3177(6)(k) is exempt from this section.

1243 (s) Any development identified in a campus master plan and
1244 adopted pursuant to s. 1013.30 is exempt from this section.

1245 (t) Any development in a specific area plan which is
1246 prepared pursuant to s. 163.3245 and adopted into the
1247 comprehensive plan is exempt from this section.
1248
1249 If a use is exempt from review as a development of regional
1250 impact under paragraphs (a)-(t) but will be part of a larger
1251 project that is subject to review as a development of regional
1252 impact, the impact of the exempt use must be included in the
1253 review of the larger project.
1254 (28) PARTIAL STATUTORY EXEMPTIONS.--
1255 (a) If the binding agreement referenced under paragraph
1256 (24)(l) for urban service boundaries is not entered into within
1257 12 months after establishment of the urban service boundary, the
1258 development-of-regional-impact review for projects within the
1259 urban service boundary must address transportation impacts only.
1260 (b) If the binding agreement referenced under paragraph
1261 (24)(m) for rural land stewardship areas is not entered into
1262 within 12 months after the designation of a rural land
1263 stewardship area, the development-of-regional-impact review for
1264 projects within the rural land stewardship area must address
1265 transportation impacts only.
1266 (c) If the binding agreement referenced under paragraph
1267 (24)(n) for designated urban infill and redevelopment areas is
1268 not entered into within 12 months after the designation of the
1269 area or July 1, 2007, whichever occurs later, the development-
1270 of-regional-impact review for projects within the urban infill
1271 and redevelopment area must address transportation impacts only.

1272 (d) A local government that does not wish to enter into a
1273 binding agreement or that is unable to agree on the terms of the
1274 agreement referenced under paragraph (24)(l), paragraph (24)(m),
1275 or paragraph (24)(n) shall provide written notification to the
1276 state land planning agency of the decision to not enter into a
1277 binding agreement or the failure to enter into a binding
1278 agreement within the 12-month period referenced in paragraphs
1279 (a), (b) and (c). Following the notification of the state land
1280 planning agency, development-of-regional-impact review for
1281 projects within an urban service boundary under paragraph
1282 (24)(l), a rural land stewardship area under paragraph (24)(m),
1283 or an urban infill and redevelopment area under paragraph
1284 (24)(n), must address transportation impacts only.
1285 (e) The vesting provision of s. 163.3167(8) relating to an
1286 authorized development of regional impact shall not apply to
1287 those projects partially exempt from the development-of-
1288 regional-impact review process under paragraphs (a)-(d).
1289 Section 7. Paragraphs (d) and (e) of subsection (3) of
1290 section 380.0651, Florida Statutes, are amended, paragraphs (f)
1291 through (i) are redesignated as paragraphs (e) through (h),
1292 respectively, paragraph (j) is redesignated as paragraph (i) and
1293 amended, and a new paragraph (j) is added to that subsection, to
1294 read:
1295 380.0651 Statewide guidelines and standards.--
1296 (3) The following statewide guidelines and standards shall
1297 be applied in the manner described in s. 380.06(2) to determine
1298 whether the following developments shall be required to undergo
1299 development-of-regional-impact review:

1300 (d) Office development.--Any proposed office building or
1301 park operated under common ownership, development plan, or
1302 management that:
1303 1. Encompasses 300,000 or more square feet of gross floor
1304 area; or
1305 2. Encompasses more than 600,000 square feet of gross
1306 floor area in a county with a population greater than 500,000
1307 and only in a geographic area specifically designated as highly
1308 suitable for increased threshold intensity in the approved local
1309 comprehensive plan ~~and in the strategic regional policy plan~~.
1310 ~~(e) Port facilities.--The proposed construction of any~~
1311 ~~waterport or marina is required to undergo development-of-~~
1312 ~~regional-impact review, except one designed for:~~
1313 ~~1.a. The wet storage or mooring of fewer than 150~~
1314 ~~watercraft used exclusively for sport, pleasure, or commercial~~
1315 ~~fishing, or~~
1316 ~~b. The dry storage of fewer than 200 watercraft used~~
1317 ~~exclusively for sport, pleasure, or commercial fishing, or~~
1318 ~~c. The wet or dry storage or mooring of fewer than 150~~
1319 ~~watercraft on or adjacent to an inland freshwater lake except~~
1320 ~~Lake Okeechobee or any lake which has been designated an~~
1321 ~~Outstanding Florida Water, or~~
1322 ~~d. The wet or dry storage or mooring of fewer than 50~~
1323 ~~watercraft of 40 feet in length or less of any type or purpose.~~
1324 ~~The exceptions to this paragraph's requirements for development-~~
1325 ~~of-regional-impact review shall not apply to any waterport or~~
1326 ~~marina facility located within or which serves physical~~
1327 ~~development located within a coastal barrier resource unit on an~~

1328 ~~unbridged barrier island designated pursuant to 16 U.S.C. s.~~
1329 ~~3501.~~
1330
1331 ~~In addition to the foregoing, for projects for which no~~
1332 ~~environmental resource permit or sovereign submerged land lease~~
1333 ~~is required, the Department of Environmental Protection must~~
1334 ~~determine in writing that a proposed marina in excess of 10~~
1335 ~~slips or storage spaces or a combination of the two is located~~
1336 ~~so that it will not adversely impact Outstanding Florida Waters~~
1337 ~~or Class II waters and will not contribute boat traffic in a~~
1338 ~~manner that will have an adverse impact on an area known to be,~~
1339 ~~or likely to be, frequented by manatees. If the Department of~~
1340 ~~Environmental Protection fails to issue its determination within~~
1341 ~~45 days of receipt of a formal written request, it has waived~~
1342 ~~its authority to make such determination. The Department of~~
1343 ~~Environmental Protection determination shall constitute final~~
1344 ~~agency action pursuant to chapter 120.~~
1345 ~~2. The dry storage of fewer than 300 watercraft used~~
1346 ~~exclusively for sport, pleasure, or commercial fishing at a~~
1347 ~~marina constructed and in operation prior to July 1, 1985.~~
1348 ~~3. Any proposed marina development with both wet and dry~~
1349 ~~mooring or storage used exclusively for sport, pleasure, or~~
1350 ~~commercial fishing, where the sum of percentages of the~~
1351 ~~applicable wet and dry mooring or storage thresholds equals 100~~
1352 ~~percent. This threshold is in addition to, and does not~~
1353 ~~preclude, a development from being required to undergo~~
1354 ~~development-of-regional-impact review under sub-subparagraphs~~
1355 ~~1.a. and b. and subparagraph 2.~~

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

1356 (i) ~~(j)~~ Residential development.--No rule may be adopted
1357 concerning residential developments which treats a residential
1358 development in one county as being located in a less populated
1359 adjacent county unless more than 25 percent of the development
1360 is located within 2 or less miles of the less populated adjacent
1361 county. The residential thresholds of adjacent counties with
1362 less population and a lower threshold shall not be controlling
1363 on any development wholly located within a municipality in a
1364 rural county of economic concern.
1365 (j) Workforce housing.--The applicable guidelines for
1366 residential development and the residential component for
1367 multiuse development shall be increased by 50 percent where the
1368 developer demonstrates that at least 15 percent of the total
1369 residential dwelling units authorized within the development of
1370 regional impact will be dedicated to affordable workforce
1371 housing, subject to a recorded land use restriction that shall
1372 be for a period of not less than 20 years and that includes
1373 resale provisions to ensure long-term affordability for income-
1374 eligible homeowners and renters and provisions for the workforce
1375 housing to be commenced prior to the completion of 50 percent of
1376 the market rate dwelling. For purposes of this paragraph, the
1377 term "affordable workforce housing" means housing that is
1378 affordable to a person who earns less than 120 percent of the
1379 area median income, or less than 140 percent of the area median
1380 income if located in a county in which the median purchase price
1381 for a single-family existing home exceeds the statewide median
1382 purchase price of a single-family existing home. For the
1383 purposes of this paragraph, the term "statewide median purchase

1384 price of a single-family existing home" means the statewide
1385 purchase price as determined in the Florida Sales Report,
1386 Single-Family Existing Homes, released each January by the
1387 Florida Association of Realtors and the University of Florida
1388 Real Estate Research Center.
1389 Section 8. Section 380.07, Florida Statutes, is amended to
1390 read:
1391 380.07 Florida Land and Water Adjudicatory Commission.--
1392 (1) There is hereby created the Florida Land and Water
1393 Adjudicatory Commission, which shall consist of the
1394 Administration Commission. The commission may adopt rules
1395 necessary to ensure compliance with the area of critical state
1396 concern program and the requirements for developments of
1397 regional impact as set forth in this chapter.
1398 (2) Whenever any local government issues any development
1399 order in any area of critical state concern, or in regard to any
1400 development of regional impact, copies of such orders as
1401 prescribed by rule by the state land planning agency shall be
1402 transmitted to the state land planning agency, the regional
1403 planning agency, and the owner or developer of the property
1404 affected by such order. The state land planning agency shall
1405 adopt rules describing development order rendition and
1406 effectiveness in designated areas of critical state concern.
1407 Within 45 days after the order is rendered, the owner, the
1408 developer, or the state land planning agency may appeal the
1409 order to the Florida Land and Water Adjudicatory Commission by
1410 filing a petition alleging that the development order is not
1411 consistent with the provisions of this part ~~notice of appeal~~

1412 ~~with the commission~~. The appropriate regional planning agency by
1413 vote at a regularly scheduled meeting may recommend that the
1414 state land planning agency undertake an appeal of a development-
1415 of-regional-impact development order. Upon the request of an
1416 appropriate regional planning council, affected local
1417 government, or any citizen, the state land planning agency shall
1418 consider whether to appeal the order and shall respond to the
1419 request within the 45-day appeal period. ~~Any appeal taken by a~~
1420 ~~regional planning agency between March 1, 1993, and the~~
1421 ~~effective date of this section may only be continued if the~~
1422 ~~state land planning agency has also filed an appeal. Any appeal~~
1423 ~~initiated by a regional planning agency on or before March 1,~~
1424 ~~1993, shall continue until completion of the appeal process and~~
1425 ~~any subsequent appellate review, as if the regional planning~~
1426 ~~agency were authorized to initiate the appeal.~~
1427 (3) Notwithstanding any other provision of law, an appeal
1428 of a development order by the state land planning agency under
1429 this section may include consistency of the development order
1430 with the local comprehensive plan. However, if a development
1431 order relating to a development of regional impact has been
1432 challenged in a proceeding under s. 163.3215 and a party to the
1433 proceeding serves notice to the state land planning agency of
1434 the pending proceeding under s. 163.3215, the state land
1435 planning agency shall:
1436 (a) Raise its consistency issues by intervening as a full
1437 party in the pending proceeding under s. 163.3215 within 30 days
1438 after service of the notice; and

1439 (b) Dismiss the consistency issues from the development
1440 order appeal.
1441 (4) The appellant shall furnish a copy of the petition to
1442 the opposing party, as the case may be, and to the local
1443 government that issued the order. The filing of the petition
1444 stays the effectiveness of the order until after the completion
1445 of the appeal process.
1446 (5) ~~(3)~~ The 45-day appeal period for a development of
1447 regional impact within the jurisdiction of more than one local
1448 government shall not commence until after all the local
1449 governments having jurisdiction over the proposed development of
1450 regional impact have rendered their development orders. The
1451 appellant shall furnish a copy of the notice of appeal to the
1452 opposing party, as the case may be, and to the local government
1453 which issued the order. The filing of the notice of appeal shall
1454 stay the effectiveness of the order until after the completion
1455 of the appeal process.
1456 (6) ~~(4)~~ Prior to issuing an order, the Florida Land and
1457 Water Adjudicatory Commission shall hold a hearing pursuant to
1458 the provisions of chapter 120. The commission shall encourage
1459 the submission of appeals on the record made below in cases in
1460 which the development order was issued after a full and complete
1461 hearing before the local government or an agency thereof.
1462 (7) ~~(5)~~ The Florida Land and Water Adjudicatory Commission
1463 shall issue a decision granting or denying permission to develop
1464 pursuant to the standards of this chapter and may attach
1465 conditions and restrictions to its decisions.

1466 (8) ~~(6)~~ If an appeal is filed with respect to any issues
1467 within the scope of a permitting program authorized by chapter
1468 161, chapter 373, or chapter 403 and for which a permit or
1469 conceptual review approval has been obtained prior to the
1470 issuance of a development order, any such issue shall be
1471 specifically identified in the notice of appeal which is filed
1472 pursuant to this section, together with other issues which
1473 constitute grounds for the appeal. The appeal may proceed with
1474 respect to issues within the scope of permitting programs for
1475 which a permit or conceptual review approval has been obtained
1476 prior to the issuance of a development order only after the
1477 commission determines by majority vote at a regularly scheduled
1478 commission meeting that statewide or regional interests may be
1479 adversely affected by the development. In making this
1480 determination, there shall be a rebuttable presumption that
1481 statewide and regional interests relating to issues within the
1482 scope of the permitting programs for which a permit or
1483 conceptual approval has been obtained are not adversely
1484 affected.
1485 Section 9. Section 380.115, Florida Statutes, is amended
1486 to read:
1487 380.115 Vested rights and duties; effect of size
1488 reduction, changes in guidelines and standards ~~chs. 2002-20 and~~
1489 ~~2002-296~~.--
1490 (1) A change in a development-of-regional-impact guideline
1491 and standard does not abridge ~~Nothing contained in this act~~
1492 ~~abridges~~ or modify ~~modifies~~ any vested or other right or any
1493 duty or obligation pursuant to any development order or

1494 agreement that is applicable to a development of regional impact
1495 ~~on the effective date of this act~~. A development that has
1496 received a development-of-regional-impact development order
1497 pursuant to s. 380.06, but is no longer required to undergo
1498 development-of-regional-impact review by operation <u>of a change</u>
1499 <u>in the guidelines and standards or has reduced its size below</u>
1500 <u>the thresholds in s. 380.0651</u> ~~of this act~~, shall be governed by
1501 the following procedures:
1502 (a) The development shall continue to be governed by the
1503 development-of-regional-impact development order and may be
1504 completed in reliance upon and pursuant to the development order
1505 <u>unless the developer or landowner has followed the procedures</u>
1506 <u>for rescission in paragraph (b). Any proposed changes to those</u>
1507 <u>developments which continue to be governed by a development</u>
1508 <u>order shall be approved pursuant to s. 380.06(19) as it existed</u>
1509 <u>prior to a change in the development-of-regional-impact</u>
1510 <u>guidelines and standards, except that all percentage criteria</u>
1511 <u>shall be doubled and all other criteria shall be increased by 10</u>
1512 <u>percent</u>. The development-of-regional-impact development order
1513 may be enforced by the local government as provided by ss.
1514 380.06(17) and 380.11.
1515 (b) If requested by the developer or landowner, the
1516 development-of-regional-impact development order <u>shall</u> ~~may~~ be
1517 <u>rescinded by the local government having jurisdiction upon a</u>
1518 <u>showing that all required mitigation related to the amount of</u>
1519 <u>development that existed on the date of rescission has been</u>
1520 <u>completed</u> ~~abandoned pursuant to the process in s. 380.06(26)~~.

1521 (2) A development with an application for development
1522 approval pending, ~~and determined sufficient~~ pursuant to s.
1523 380.06 ~~s. 380.06(10)~~, on the effective date of a change to the
1524 guidelines and standards ~~this act~~, or a notification of proposed
1525 change pending on the effective date of a change to the
1526 guidelines and standards ~~this act~~, may elect to continue such
1527 review pursuant to s. 380.06. At the conclusion of the pending
1528 review, including any appeals pursuant to s. 380.07, the
1529 resulting development order shall be governed by the provisions
1530 of subsection (1).
1531 (3) A landowner that has filed an application for a
1532 development-of-regional-impact review prior to the adoption of
1533 an optional sector plan pursuant to s. 163.3245 may elect to
1534 have the application reviewed pursuant to s. 380.06,
1535 comprehensive plan provisions in force prior to adoption of the
1536 sector plan, and any requested comprehensive plan amendments
1537 that accompany the application.
1538 Section 10. Paragraph (i) of subsection (2) of section
1539 403.813, Florida Statutes, is amended to read:
1540 403.813 Permits issued at district centers; exceptions.--
1541 (2) A permit is not required under this chapter, chapter
1542 373, chapter 61-691, Laws of Florida, or chapter 25214 or
1543 chapter 25270, 1949, Laws of Florida, for activities associated
1544 with the following types of projects; however, except as
1545 otherwise provided in this subsection, nothing in this
1546 subsection relieves an applicant from any requirement to obtain
1547 permission to use or occupy lands owned by the Board of Trustees
1548 of the Internal Improvement Trust Fund or any water management

1549 district in its governmental or proprietary capacity or from
1550 complying with applicable local pollution control programs
1551 authorized under this chapter or other requirements of county
1552 and municipal governments:
1553 (i) The construction of private docks of 1,000 square feet
1554 or less of over-water surface area and seawalls in artificially
1555 created waterways where such construction will not violate
1556 existing water quality standards, impede navigation, or affect
1557 flood control. This exemption does not apply to the construction
1558 of vertical seawalls in estuaries or lagoons unless the proposed
1559 construction is within an existing manmade canal where the
1560 shoreline is currently occupied in whole or part by vertical
1561 seawalls.
1562 Section 11. This act shall take effect July 1, 2006.