

By the Committee on Community Affairs; and Senator Altman

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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3164, F.S.; making conforming amendments; amending
4 s. 163.3177, F.S.; making conforming amendments;
5 amending s. 163.3180, F.S.; making conforming
6 amendments; amending s. 163.3245, F.S.; renaming
7 optional sector plans as "sector plans"; increasing
8 the minimum size of geographic areas that qualify for
9 the use of sector plans; revising terminology relating
10 to such plans; deleting obsolete provisions; renaming
11 long-term conceptual buildout overlays as "long-term
12 master plans"; revising the content required to be
13 included in long-term master plans and detailed
14 specified area plans; requiring identification of
15 water development projects and transportation
16 facilities to serve future development needs;
17 exempting certain developments from the requirement to
18 develop a detailed specific area plan; providing that
19 detailed specific area plans shall be adopted by local
20 development orders; requiring that detailed specific
21 area plans include a buildout date and precluding
22 certain changes in the development until after that
23 date; authorizing certain development agreements
24 between the developer and the local government;
25 providing for continuation of certain existing land
26 uses; amending ss. 163.3246, 380.06, and 380.115,
27 F.S.; making conforming amendments; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Subsection (31) of section 163.3164, Florida
33 Statutes, is amended to read

34 163.3164 Local Government Comprehensive Planning and Land
35 Development Regulation Act; definitions.—As used in this act:

36 (31) ~~“Optional Sector plan”~~ means the an optional process
37 authorized by s. 163.3245 in which one or more local governments
38 engage in long-term planning for a large area and by agreement
39 ~~with the state land planning agency are allowed to~~ address
40 regional development of regional impact issues within certain
41 ~~designated geographic areas identified in the local~~
42 ~~comprehensive plan~~ as a means of fostering innovative planning
43 and development strategies in s. 163.3177(11) (a) and (b),
44 furthering the purposes of this part and part I of chapter 380,
45 reducing overlapping data and analysis requirements, protecting
46 regionally significant resources and facilities, and addressing
47 extrajurisdictional impacts. “Sector plan” includes an optional
48 sector plan that was adopted pursuant to the Optional Sector
49 Plan Pilot Program.

50 Section 2. Paragraph (d) of subsection (15) of section
51 163.3177, Florida Statutes, is amended to read:

52 163.3177 Required and optional elements of comprehensive
53 plan; studies and surveys.—

54 (15)

55 (d) This subsection does not apply to a an optional sector
56 plan adopted pursuant to s. 163.3245, a rural land stewardship
57 area designated pursuant to subsection (11), or any
58 comprehensive plan amendment that includes an inland port

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59 terminal or affiliated port development.

60 Section 3. Paragraph (a) of subsection (12) of section
61 163.3180, Florida Statutes, is amended to read:

62 163.3180 Concurrency.—

63 (12) (a) A development of regional impact may satisfy the
64 transportation concurrency requirements of the local
65 comprehensive plan, the local government's concurrency
66 management system, and s. 380.06 by payment of a proportionate-
67 share contribution for local and regionally significant traffic
68 impacts, if:

69 1. The development of regional impact which, based on its
70 location or mix of land uses, is designed to encourage
71 pedestrian or other nonautomotive modes of transportation;

72 2. The proportionate-share contribution for local and
73 regionally significant traffic impacts is sufficient to pay for
74 one or more required mobility improvements that will benefit a
75 regionally significant transportation facility;

76 3. The owner and developer of the development of regional
77 impact pays or assures payment of the proportionate-share
78 contribution; and

79 4. If the regionally significant transportation facility to
80 be constructed or improved is under the maintenance authority of
81 a governmental entity, as defined by s. 334.03(12), other than
82 the local government with jurisdiction over the development of
83 regional impact, the developer is required to enter into a
84 binding and legally enforceable commitment to transfer funds to
85 the governmental entity having maintenance authority or to
86 otherwise assure construction or improvement of the facility.

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88 The proportionate-share contribution may be applied to any
89 transportation facility to satisfy the provisions of this
90 subsection and the local comprehensive plan, but, for the
91 purposes of this subsection, the amount of the proportionate-
92 share contribution shall be calculated based upon the cumulative
93 number of trips from the proposed development expected to reach
94 roadways during the peak hour from the complete buildout of a
95 stage or phase being approved, divided by the change in the peak
96 hour maximum service volume of roadways resulting from
97 construction of an improvement necessary to maintain the adopted
98 level of service, multiplied by the construction cost, at the
99 time of developer payment, of the improvement necessary to
100 maintain the adopted level of service. For purposes of this
101 subsection, "construction cost" includes all associated costs of
102 the improvement. Proportionate-share mitigation shall be limited
103 to ensure that a development of regional impact meeting the
104 requirements of this subsection mitigates its impact on the
105 transportation system but is not responsible for the additional
106 cost of reducing or eliminating backlogs. This subsection also
107 applies to Florida Quality Developments pursuant to s. 380.061
108 and to detailed specific area plans implementing ~~optional~~ sector
109 plans pursuant to s. 163.3245.

110 Section 4. Section 163.3245, Florida Statutes, is amended
111 to read:

112 163.3245 ~~Optional~~ Sector plans.—

113 (1) In recognition of the benefits of ~~conceptual~~ long-range
114 planning for ~~the buildout of an area, and detailed planning for~~
115 specific areas, ~~as a demonstration project, the requirements of~~
116 ~~s. 380.06 may be addressed as identified by this section for up~~

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117 ~~to five~~ local governments or combinations of local governments
118 ~~may which~~ adopt into their ~~the~~ comprehensive plans ~~a plan~~ an
119 ~~optional~~ sector plan in accordance with this section. This
120 section is intended to promote and encourage long-term planning
121 for conservation, development, and agriculture on a landscape
122 scale; to further the intent of s. 163.3177(11), which supports
123 innovative and flexible planning and development strategies, and
124 the purposes of this part, ~~and part I of chapter 380; to~~
125 facilitate protection of regionally significant resources,
126 including, but not limited to, regionally significant water
127 courses and wildlife corridors; ~~and to avoid duplication of~~
128 effort in terms of the level of data and analysis required for a
129 development of regional impact, while ensuring the adequate
130 mitigation of impacts to applicable regional resources and
131 facilities, including those within the jurisdiction of other
132 local governments, as would otherwise be provided. ~~Optional~~
133 Sector plans are intended for substantial geographic areas that
134 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
135 local governmental jurisdictions and are to emphasize urban form
136 and protection of regionally significant resources and public
137 facilities. ~~The state land planning agency may approve optional~~
138 ~~sector plans of less than 5,000 acres based on local~~
139 ~~circumstances if it is determined that the plan would further~~
140 ~~the purposes of this part and part I of chapter 380. Preparation~~
141 ~~of an optional sector plan is authorized by agreement between~~
142 ~~the state land planning agency and the applicable local~~
143 ~~governments under s. 163.3171(4). A~~ An optional sector plan may
144 be adopted through one or more comprehensive plan amendments
145 under s. 163.3184. However, an optional sector plan may not be

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146 adopted ~~authorized~~ in an area of critical state concern.

147 (2) Upon the request of a local government having
148 jurisdiction, ~~The state land planning agency may enter into an~~
149 ~~agreement to authorize preparation of an optional sector plan~~
150 ~~upon the request of one or more local governments based on~~
151 ~~consideration of problems and opportunities presented by~~
152 ~~existing development trends; the effectiveness of current~~
153 ~~comprehensive plan provisions; the potential to further the~~
154 ~~state comprehensive plan, applicable strategic regional policy~~
155 ~~plans, this part, and part I of chapter 380; and those factors~~
156 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
157 planning council shall conduct a scoping meeting with affected
158 local governments and those agencies identified in s.
159 163.3184(4) before preparation of the sector plan ~~execution of~~
160 ~~the agreement authorized by this section.~~ The purpose of this
161 meeting is to assist the state land planning agency and the
162 local government in the identification of the relevant planning
163 issues to be addressed and the data and resources available to
164 assist in the preparation of the sector plan. In the event that
165 a scoping meeting is conducted, ~~subsequent plan amendments,~~ the
166 regional planning council shall make written recommendations to
167 the state land planning agency and affected local governments on
168 the issues requested by the local government. The scoping
169 meeting shall be noticed and open to the public. In the event
170 that the entire planning area proposed for the sector plan is
171 within the jurisdiction of two or more local governments, some
172 or all of them may enter into a joint planning agreement
173 pursuant to s. 163.3171 with respect to, ~~including whether a~~
174 ~~sustainable sector plan would be appropriate.~~ The agreement must

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175 ~~define~~ the geographic area to be subject to the sector plan, the
176 planning issues that will be emphasized, procedures ~~requirements~~
177 for intergovernmental coordination to address
178 extrajurisdictional impacts, supporting application materials
179 including data and analysis, ~~and~~ procedures for public
180 participation, or other issues. ~~An agreement may address~~
181 ~~previously adopted sector plans that are consistent with the~~
182 ~~standards in this section. Before executing an agreement under~~
183 ~~this subsection, the local government shall hold a duly noticed~~
184 ~~public workshop to review and explain to the public the optional~~
185 ~~sector planning process and the terms and conditions of the~~
186 ~~proposed agreement. The local government shall hold a duly~~
187 ~~noticed public hearing to execute the agreement. All meetings~~
188 ~~between the department and the local government must be open to~~
189 ~~the public.~~

190 (3) ~~Optional~~ Sector planning encompasses two levels:
191 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
192 master plan for the entire planning area as part of the
193 comprehensive plan, and adoption by local development order of
194 two or more buildout overlay to the comprehensive plan, having
195 ~~no immediate effect on the issuance of development orders or the~~
196 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
197 detailed specific area plans that implement the ~~conceptual~~ long-
198 term master plan buildout overlay and authorize issuance of
199 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~
200 ~~such time as a detailed specific area plan is adopted, the~~
201 ~~underlying future land use designations apply.~~

202 (a) In addition to the other requirements of this chapter,
203 a long-term master plan pursuant to this section ~~conceptual~~

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204 ~~long-term buildout overlay~~ must include maps, illustrations, and
205 text supported by data and analysis to address the following:

206 1. A ~~long-range conceptual~~ framework map that, at a
207 minimum, generally depicts ~~identifies anticipated~~ areas of
208 urban, agricultural, rural, and conservation land use,
209 identifies allowed uses in various parts of the planning area,
210 specifies maximum and minimum densities and intensities of use,
211 and provides the general framework for the development pattern
212 in developed areas with graphic illustrations based on a
213 hierarchy of places and functional place-making components.

214 2. A general identification of the water supplies needed
215 and available sources of water, including water resource
216 development and water supply development projects and water
217 conservation measures needed to meet the projected demand of the
218 future land uses in the long-term master plan.

219 3. A general identification of the transportation
220 facilities to serve the future land uses in the long-term master
221 plan, including guidelines to be used to establish each modal
222 component intended to optimize mobility.

223 4. A general identification of other regionally significant
224 public facilities ~~consistent with chapter 9J-2, Florida~~
225 ~~Administrative Code, irrespective of local governmental~~
226 ~~jurisdiction necessary to support buildout of the anticipated~~
227 future land uses, which may include central utilities provided
228 on site within the planning area, and policies setting forth the
229 procedures to be used to mitigate the impacts of future land
230 uses on public facilities.

231 ~~5.3.~~ A general identification of regionally significant
232 natural resources within the planning area based on the best

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233 available data and policies setting forth the procedures for
234 protection or conservation of specific resources consistent with
235 the overall conservation and development strategy for the
236 planning area ~~consistent with chapter 9J-2, Florida~~
237 ~~Administrative Code.~~

238 ~~6.4.~~ General principles and guidelines addressing that
239 ~~address~~ the urban form and the interrelationships of anticipated
240 future land uses; the protection and, as appropriate,
241 restoration and management of lands identified for permanent
242 preservation through recordation of conservation easements
243 consistent with s. 704.06, which shall be phased or staged in
244 coordination with detailed specific area plans to reflect phased
245 or staged development within the planning area; and a
246 ~~discussion, at the applicant's option, of the extent, if any, to~~
247 ~~which the plan will address restoring key ecosystems,~~ achieving
248 a more clean, healthy environment; limiting urban sprawl;
249 providing a range of housing types; protecting wildlife and
250 natural areas; advancing the efficient use of land and other
251 resources; and creating quality communities of a design that
252 promotes travel by multiple transportation modes; and enhancing
253 the prospects for the creation of jobs.

254 ~~7.5.~~ Identification of general procedures and policies to
255 facilitate ~~ensure~~ intergovernmental coordination to address
256 extrajurisdictional impacts from the future land uses long-range
257 ~~conceptual framework map.~~

258
259 A long-term master plan adopted pursuant to this section shall
260 be based upon a planning period longer than the generally
261 applicable planning period of the local comprehensive plan,

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262 shall specify the projected population within the planning area
263 during the chosen planning period, and may include a phasing or
264 staging schedule that allocates a portion of the local
265 government's future growth to the planning area through the
266 planning period. It shall not be a requirement for a long-term
267 master plan adopted pursuant to this section to demonstrate need
268 based upon projected population growth or on any other basis.

269 (b) In addition to the other requirements of this chapter,
270 ~~including those in paragraph (a),~~ the detailed specific area
271 plans shall be consistent with the long-term master plan and
272 must include conditions and commitments that provide for:

273 1. Development or conservation of an area of adequate size
274 ~~to accommodate a level of development which achieves a~~
275 ~~functional relationship between a full range of land uses within~~
276 ~~the area and to encompass~~ at least 1,000 acres consistent with
277 the long-term master plan. The local government ~~state land~~
278 ~~planning agency~~ may approve detailed specific area plans of less
279 than 1,000 acres based on local circumstances if it is
280 determined that the detailed specific area plan furthers the
281 purposes of this part and part I of chapter 380.

282 2. Detailed identification and analysis of the maximum and
283 minimum densities and intensities of use, and the distribution,
284 extent, and location of future land uses.

285 3. Detailed identification of water resource development
286 and water supply development projects and related
287 infrastructure, and water conservation measures to address water
288 needs of development in the detailed specific area plan.

289 4. Detailed identification of the transportation facilities
290 to serve the future land uses in the detailed specific area

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291 plan.

292 ~~5.3.~~ Detailed identification of other regionally
293 significant public facilities, including public facilities
294 outside the jurisdiction of the host local government,
295 ~~anticipated~~ impacts of future land uses on those facilities, and
296 required improvements consistent with the long-term master plan
297 ~~chapter 9J-2, Florida Administrative Code.~~

298 ~~6.4.~~ Public facilities necessary to serve development in
299 the detailed specific area plan for the short term, including
300 developer contributions in a ~~financially feasible~~ 5-year capital
301 improvement schedule of the affected local government.

302 ~~7.5.~~ Detailed analysis and identification of specific
303 measures to assure the protection or conservation of lands
304 identified in the long-term master plan to be permanently
305 preserved within the planning area through recordation of a
306 conservation easement consistent with s. 704.06 and, as
307 appropriate, restored or managed, of regionally significant
308 ~~natural resources~~ and other important resources both within and
309 outside the host jurisdiction, ~~including those regionally~~
310 ~~significant resources identified in chapter 9J-2, Florida~~
311 ~~Administrative Code.~~

312 ~~8.6.~~ Detailed principles and guidelines addressing that
313 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
314 future land uses; ~~and a discussion, at the applicant's option,~~
315 ~~of the extent, if any, to which the plan will address restoring~~
316 ~~key ecosystems,~~ achieving a more clean, healthy environment; ~~;~~
317 limiting urban sprawl; providing a range of housing types; ;
318 protecting wildlife and natural areas; ; advancing the efficient
319 use of land and other resources; ~~;~~ and creating quality

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320 communities of a design that promotes travel by multiple
321 transportation modes; and enhancing the prospects for the
322 creation of jobs.

323 9.7. Identification of specific procedures to facilitate
324 ensure intergovernmental coordination to address
325 extrajurisdictional impacts from ~~of~~ the detailed specific area
326 plan.

327

328 A detailed specific area plan adopted by local development order
329 pursuant to this section may be based upon a planning period
330 longer than the generally applicable planning period of the
331 local comprehensive plan and shall specify the projected
332 population within the specific planning area during the chosen
333 planning period. It shall not be a requirement for a detailed
334 specific area plan adopted pursuant to this section to
335 demonstrate need based upon projected population growth or on
336 any other basis.

337 (c) In its review of a long-term master plan, the state
338 land planning agency shall consult with the Department of
339 Agriculture and Consumer Services, the Department of
340 Environmental Protection, the Fish and Wildlife Conservation
341 Commission, and the applicable water management district
342 regarding the design of areas for protection and conservation of
343 regionally significant natural resources and for the protection
344 and, as appropriate, restoration and management of lands
345 identified for permanent preservation.

346 (d) In its review of a long-term master plan, the state
347 land planning agency shall consult with the Department of
348 Transportation, the applicable metropolitan planning

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349 organization, and any urban transit agency regarding the
350 location, capacity, design, and phasing or staging of major
351 transportation facilities in the planning area.

352 (e) The state land planning agency may initiate a civil
353 action pursuant to s. 163.3215 with respect to a detailed
354 specific area plan which is not consistent with a long-term
355 master plan adopted pursuant to this section. For purposes of
356 such a proceeding, the state land planning agency shall be
357 deemed an aggrieved and adversely affected party. Regardless of
358 whether the local government has adopted an ordinance that
359 establishes a local process which meets the requirements of s.
360 163.3215(4), judicial review of a detailed specific area plan
361 initiated by the state land planning agency shall be de novo
362 pursuant to s. 163.3215(3) and not by petition for writ of
363 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
364 adversely affected party shall be subject to s. 163.3215 in all
365 respects when initiating a consistency challenge to a detailed
366 specific area plan.

367 (f)~~(e)~~ This subsection does may not be construed to prevent
368 preparation and approval of the ~~optional~~ sector plan and
369 detailed specific area plan concurrently or in the same
370 submission.

371 (4) Upon the long-term master plan becoming legally
372 effective:

373 (a) Any long-range transportation plan developed by a
374 metropolitan planning organization pursuant to s. 339.175(7)
375 must be consistent, to the maximum extent feasible, with the
376 long-term master plan, including, but not limited to, the
377 projected population, the approved uses, and densities and

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378 intensities of use and their distribution within the planning
379 area. The transportation facilities identified in adopted plans
380 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be
381 developed in coordination with the adopted M.P.O. long-range
382 transportation plan.

383 (b) The water needs, sources and water resource development
384 and water supply development projects identified in adopted
385 plans pursuant to sub-subparagraphs (3)(a)2. and (3)(b)3. shall
386 be incorporated into the applicable district and regional water
387 supply plans adopted in accordance with ss. 373.036 and 373.709.
388 Accordingly, and notwithstanding the permit durations stated in
389 s. 373.236, an applicant may request and the applicable district
390 may issue consumptive use permits for durations commensurate
391 with the long-term master plan. The permitting criteria in s.
392 373.223 shall be applied based upon the projected population and
393 the approved densities and intensities of use and their
394 distribution in the long-term master plan. ~~The host local~~
395 government shall submit a monitoring report to the state land
396 planning agency and applicable regional planning council on an
397 annual basis after adoption of a detailed specific area plan.
398 The annual monitoring report must provide summarized information
399 on development orders issued, development that has occurred,
400 public facility improvements made, and public facility
401 improvements anticipated over the upcoming 5 years.

402 (5) When a ~~plan amendment adopting~~ a detailed specific area
403 plan has become effective for a portion of the planning area
404 governed by a long-term master plan adopted pursuant to this
405 section under ~~ss. 163.3184 and 163.3189(2)~~, the provisions of s.
406 380.06 do not apply to development within the geographic area of

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407 the detailed specific area plan. However, any development-of-
408 regional-impact development order that is vested from the
409 detailed specific area plan may be enforced pursuant to ~~under~~ s.
410 380.11.

411 (a) The local government adopting the detailed specific
412 area plan is primarily responsible for monitoring and enforcing
413 the detailed specific area plan. Local governments shall not
414 issue any permits or approvals or provide any extensions of
415 services to development that are not consistent with the
416 detailed specific ~~sector~~ area plan.

417 (b) If the state land planning agency has reason to believe
418 that a violation of any detailed specific area plan, ~~or of any~~
419 ~~agreement entered into under this section,~~ has occurred or is
420 about to occur, it may institute an administrative or judicial
421 proceeding to prevent, abate, or control the conditions or
422 activity creating the violation, using the procedures in s.
423 380.11.

424 (c) In instituting an administrative or judicial proceeding
425 involving an ~~optional~~ sector plan or detailed specific area
426 plan, including a proceeding pursuant to paragraph (b), the
427 complaining party shall comply with the requirements of s.
428 163.3215(4), (5), (6), and (7), except as provided by paragraph
429 (3) (d).

430 (d) The detailed specific area plan shall establish a
431 buildout date until which the approved development shall not be
432 subject to downzoning, unit density reduction, or intensity
433 reduction, unless the local government can demonstrate that
434 implementation of the plan is not continuing in good faith based
435 on standards established by plan policy, or that substantial

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436 changes in the conditions underlying the approval of the
437 detailed specific area plan have occurred, or that the detailed
438 specific area plan was based on substantially inaccurate
439 information provided by the applicant, or that the change is
440 clearly established to be essential to the public health,
441 safety, or welfare.

442 (6) Concurrent with or subsequent to review and adoption of
443 a long-term master plan pursuant to paragraph (3) (a), an
444 applicant may apply for master development approval pursuant to
445 s. 380.06(21) for the entire planning area in order to establish
446 a buildout date until which the approved uses and densities and
447 intensities of use of the master plan shall not be subject to
448 downzoning, unit density reduction, or intensity reduction,
449 unless the local government can demonstrate that implementation
450 of the master plan is not continuing in good faith based on
451 standards established by plan policy, or that substantial
452 changes in the conditions underlying the approval of the master
453 plan have occurred, or that the master plan was based on
454 substantially inaccurate information provided by the applicant,
455 or that change is clearly established to be essential to the
456 public health, safety, or welfare. Review of the application for
457 master development approval shall be at a level of detail
458 appropriate for the long-term and conceptual nature of the long-
459 term master plan and, to the maximum extent possible, shall only
460 consider information provided in the application for a long-term
461 master plan. Notwithstanding any provision of s. 380.06 to the
462 contrary, an increment of development in such an approved master
463 development plan shall be approved by a detailed specific area
464 plan pursuant to paragraph (3) (b) and shall be exempt from

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465 ~~review pursuant to s 380.06. Beginning December 1, 1999, and~~
466 ~~each year thereafter, the department shall provide a status~~
467 ~~report to the Legislative Committee on Intergovernmental~~
468 ~~Relations regarding each optional sector plan authorized under~~
469 ~~this section.~~

470 (7) A developer within an area subject to a long-term
471 master plan that meets the requirements of paragraph (3) (a) and
472 subsection (6) or a detailed specific area plan that meets the
473 requirements of paragraph (3) (b) may enter into a development
474 agreement with a local government pursuant to ss. 163.3220-
475 163.3243. The duration of such a development agreement may be
476 through the planning period of the long-term master plan or the
477 detailed specific area plan, as the case may be, notwithstanding
478 the limit on the duration of a development agreement pursuant to
479 s. 163.3229.

480 (8) Any owner of property within the planning area of a
481 proposed long-term master plan may withdraw his or her consent
482 to the master plan at any time prior to local government
483 adoption, and the local government shall exclude such parcels
484 from the adopted master plan. Thereafter, the long-term master
485 plan, any detailed specific area plan, and the exemption from
486 development-of-regional-impact review under this section shall
487 not apply to the subject parcels. After adoption of a long-term
488 master plan, an owner may withdraw his or her property from the
489 master plan only with the approval of the local government by
490 plan amendment adopted and reviewed pursuant to s. 163.3184.

491 (9) The adoption of a long-term master plan or a detailed
492 specific area plan pursuant to this section shall not limit the
493 right to continue existing agricultural or silvicultural uses or

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494 other natural resource-based operations or to establish similar
495 new uses that are consistent with the plans approved pursuant to
496 this section.

497 (10) Notwithstanding any provision to the contrary of s.
498 380.06 or part II of chapter 163 or any planning agreement or
499 plan policy, a landowner or developer who has received approval
500 of a master development of regional impact development order
501 pursuant to s. 380.06(21) may apply to implement this order by
502 filing one or more applications to approve detailed specific
503 area plan pursuant to paragraph (3) (b).

504 (11) Notwithstanding the provisions of this section, a
505 detailed specific area plan to implement a conceptual long-term
506 buildout overlay adopted by a local government and found in
507 compliance prior to July 1, 2011, shall be governed by the
508 provisions of this section.

509 (12)~~(7)~~ This section may not be construed to abrogate the
510 rights of any person under this chapter.

511 Section 5. Paragraph (b) of subsection (9) of section
512 163.3246, Florida Statutes, is amended to read:

513 163.3246 Local government comprehensive planning
514 certification program.—

515 (9)

516 (b) Plan amendments that change the boundaries of the
517 certification area; propose a rural land stewardship area
518 pursuant to s. 163.3177(11) (d); propose ~~an optional sector~~ plan
519 pursuant to s. 163.3245; propose a school facilities element;
520 update a comprehensive plan based on an evaluation and appraisal
521 report; impact lands outside the certification boundary;
522 implement new statutory requirements that require specific

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523 comprehensive plan amendments; or increase hurricane evacuation
524 times or the need for shelter capacity on lands within the
525 coastal high-hazard area shall be reviewed pursuant to ss.
526 163.3184 and 163.3187.

527 Section 6. Paragraph (s) of subsection (24) of section
528 380.06, Florida Statutes, is amended to read:

529 380.06 Developments of regional impact.—

530 (24) STATUTORY EXEMPTIONS.—

531 (s) Any development in a detailed specific area plan which
532 is prepared pursuant to s. 163.3245 ~~and adopted into the~~
533 ~~comprehensive plan~~ is exempt from this section.

534

535 If a use is exempt from review as a development of regional
536 impact under paragraphs (a)-(s), but will be part of a larger
537 project that is subject to review as a development of regional
538 impact, the impact of the exempt use must be included in the
539 review of the larger project, unless such exempt use involves a
540 development of regional impact that includes a landowner,
541 tenant, or user that has entered into a funding agreement with
542 the Office of Tourism, Trade, and Economic Development under the
543 Innovation Incentive Program and the agreement contemplates a
544 state award of at least \$50 million.

545 Section 7. Subsection (3) of section 380.115, Florida
546 Statutes, is amended to read:

547 380.115 Vested rights and duties; effect of size reduction,
548 changes in guidelines and standards.—

549 (3) A landowner that has filed an application for a
550 development-of-regional-impact review prior to the adoption of a
551 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to

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552 have the application reviewed pursuant to s. 380.06,
553 comprehensive plan provisions in force prior to adoption of the
554 sector plan, and any requested comprehensive plan amendments
555 that accompany the application.

556 Section 8. This act shall take effect upon becoming a law.