

By the Committees on Environmental Preservation and Conservation; and 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 authorizing the state land planning agency to enter
26 into an agreement with a specific local government;
27 providing for continuation of certain existing land
28 uses; amending ss. 163.3246, 380.06, and 380.115,
29 F.S.; making conforming amendments; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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

36 163.3164 Local Government Comprehensive Planning and Land
37 Development Regulation Act; definitions.—As used in this act:

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

52 Section 2. Paragraph (d) of subsection (15) of section
53 163.3177, Florida Statutes, is amended to read:

54 163.3177 Required and optional elements of comprehensive
55 plan; studies and surveys.—

56 (15)

57 (d) This subsection does not apply to a ~~an optional~~ sector
58 plan adopted pursuant to s. 163.3245, a rural land stewardship

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59 area designated pursuant to subsection (11), or any
60 comprehensive plan amendment that includes an inland port
61 terminal or affiliated port development.

62 Section 3. Paragraph (a) of subsection (12) of section
63 163.3180, Florida Statutes, is amended to read:

64 163.3180 Concurrency.—

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

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

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

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

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

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88 otherwise assure construction or improvement of the facility.

89

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

112 Section 4. Section 163.3245, Florida Statutes, is amended
113 to read:

114 163.3245 ~~Optional~~ Sector plans.—

115 (1) In recognition of the benefits of ~~conceptual~~ long-range
116 planning for ~~the buildout of an area, and detailed planning for~~

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117 specific areas, ~~as a demonstration project, the requirements of~~
118 ~~s. 380.06 may be addressed as identified by this section for up~~
119 ~~to five~~ local governments or combinations of local governments
120 ~~may which~~ adopt into their ~~the~~ comprehensive plans ~~a plan an~~
121 ~~optional~~ sector plan in accordance with this section. This
122 section is intended to promote and encourage long-term planning
123 for conservation, development, and agriculture on a landscape
124 scale; to further the intent of s. 163.3177(11), which supports
125 innovative and flexible planning and development strategies, and
126 the purposes of this part, and part I of chapter 380; to
127 facilitate protection of regionally significant resources,
128 including, but not limited to, regionally significant water
129 courses and wildlife corridors; and to avoid duplication of
130 effort in terms of the level of data and analysis required for a
131 development of regional impact, while ensuring the adequate
132 mitigation of impacts to applicable regional resources and
133 facilities, including those within the jurisdiction of other
134 local governments, as would otherwise be provided. ~~Optional~~
135 Sector plans are intended for substantial geographic areas that
136 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
137 local governmental jurisdictions and are to emphasize urban form
138 and protection of regionally significant resources and public
139 ~~facilities. The state land planning agency may approve optional~~
140 ~~sector plans of less than 5,000 acres based on local~~
141 ~~circumstances if it is determined that the plan would further~~
142 ~~the purposes of this part and part I of chapter 380. Preparation~~
143 ~~of an optional sector plan is authorized by agreement between~~
144 ~~the state land planning agency and the applicable local~~
145 ~~governments under s. 163.3171(4). A~~ An optional sector plan may

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146 ~~be adopted through one or more comprehensive plan amendments~~
147 ~~under s. 163.3184. However, an optional sector plan may not be~~
148 ~~adopted~~ authorized in an area of critical state concern.

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

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175 ~~pursuant to s. 163.3171 with respect to, including whether a~~
176 ~~sustainable sector plan would be appropriate. The agreement must~~
177 ~~define~~ the geographic area to be subject to the sector plan, the
178 planning issues that will be emphasized, procedures ~~requirements~~
179 for intergovernmental coordination to address
180 extrajurisdictional impacts, supporting application materials
181 including data and analysis, ~~and~~ procedures for public
182 participation, or other issues. ~~An agreement may address~~
183 ~~previously adopted sector plans that are consistent with the~~
184 ~~standards in this section. Before executing an agreement under~~
185 ~~this subsection, the local government shall hold a duly noticed~~
186 ~~public workshop to review and explain to the public the optional~~
187 ~~sector planning process and the terms and conditions of the~~
188 ~~proposed agreement. The local government shall hold a duly~~
189 ~~noticed public hearing to execute the agreement. All meetings~~
190 ~~between the department and the local government must be open to~~
191 ~~the public.~~

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

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204 (a) In addition to the other requirements of this chapter,
205 a long-term master plan pursuant to this section ~~conceptual~~
206 ~~long-term buildout overlay~~ must include maps, illustrations, and
207 text supported by data and analysis to address the following:

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

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

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

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

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233 5.3. A general identification of regionally significant
234 natural resources within the planning area based on the best
235 available data and policies setting forth the procedures for
236 protection or conservation of specific resources consistent with
237 the overall conservation and development strategy for the
238 planning area ~~consistent with chapter 9J-2, Florida~~
239 ~~Administrative Code.~~

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

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

260
261 A long-term master plan adopted pursuant to this section shall

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

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

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

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

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

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291 4. Detailed identification of the transportation facilities
292 to serve the future land uses in the detailed specific area
293 plan.

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

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

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

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

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320 protecting wildlife and natural areas;~~7~~ advancing the efficient
321 use of land and other resources;~~7~~~~and~~ creating quality
322 communities of a design that promotes travel by multiple
323 transportation modes; and enhancing the prospects for the
324 creation of jobs.

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

329

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

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

348 (d) In its review of a long-term master plan, the state

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349 land planning agency shall consult with the Department of
350 Transportation, the applicable metropolitan planning
351 organization, and any urban transit agency regarding the
352 location, capacity, design, and phasing or staging of major
353 transportation facilities in the planning area.

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

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

373 (4) Upon the long-term master plan becoming legally
374 effective:

375 (a) Any long-range transportation plan developed by a
376 metropolitan planning organization pursuant to s. 339.175(7)
377 must be consistent, to the maximum extent feasible, with the

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378 long-term master plan, including, but not limited to, the
379 projected population, the approved uses, and densities and
380 intensities of use and their distribution within the planning
381 area. The transportation facilities identified in adopted plans
382 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be
383 developed in coordination with the adopted M.P.O. long-range
384 transportation plan.

385 (b) The water needs, sources and water resource development
386 and water supply development projects identified in adopted
387 plans pursuant to sub-subparagraphs (3)(a)2. and (3)(b)3. shall
388 be incorporated into the applicable district and regional water
389 supply plans adopted in accordance with ss. 373.036 and 373.709.
390 Accordingly, and notwithstanding the permit durations stated in
391 s. 373.236, an applicant may request and the applicable district
392 may issue consumptive use permits for durations commensurate
393 with the long-term master plan or detailed specific area plan,
394 considering the ability of the master-plan area to contribute to
395 regional water supply availability and the need to maximize
396 reasonable beneficial use of the water resource. The permitting
397 criteria in s. 373.223 shall be applied based upon the projected
398 population and the approved densities and intensities of use and
399 their distribution in the long-term master plan. However, the
400 allocation of the water may be phased over the permit duration
401 to correspond to actual projected needs. This paragraph does not
402 supersede the public interest test set forth in s. 373.223. The
403 ~~host local government shall submit a monitoring report to the~~
404 ~~state land planning agency and applicable regional planning~~
405 ~~council on an annual basis after adoption of a detailed specific~~
406 ~~area plan. The annual monitoring report must provide summarized~~

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407 ~~information on development orders issued, development that has~~
408 ~~occurred, public facility improvements made, and public facility~~
409 ~~improvements anticipated over the upcoming 5 years.~~

410 (5) When a ~~plan amendment adopting~~ a detailed specific area
411 plan has become effective for a portion of the planning area
412 governed by a long-term master plan adopted pursuant to this
413 section under ss. 163.3184 and 163.3189(2), the provisions of s.
414 380.06 do not apply to development within the geographic area of
415 the detailed specific area plan. However, any development-of-
416 regional-impact development order that is vested from the
417 detailed specific area plan may be enforced pursuant to ~~under~~ s.
418 380.11.

419 (a) The local government adopting the detailed specific
420 area plan is primarily responsible for monitoring and enforcing
421 the detailed specific area plan. Local governments shall not
422 issue any permits or approvals or provide any extensions of
423 services to development that are not consistent with the
424 detailed specific ~~sector~~ area plan.

425 (b) If the state land planning agency has reason to believe
426 that a violation of any detailed specific area plan, ~~or of any~~
427 ~~agreement entered into under this section~~, has occurred or is
428 about to occur, it may institute an administrative or judicial
429 proceeding to prevent, abate, or control the conditions or
430 activity creating the violation, using the procedures in s.
431 380.11.

432 (c) In instituting an administrative or judicial proceeding
433 involving an ~~optional~~ sector plan or detailed specific area
434 plan, including a proceeding pursuant to paragraph (b), the
435 complaining party shall comply with the requirements of s.

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436 163.3215(4), (5), (6), and (7), except as provided by paragraph
437 (3) (d).

438 (d) The detailed specific area plan shall establish a
439 buildout date until which the approved development shall not be
440 subject to downzoning, unit density reduction, or intensity
441 reduction, unless the local government can demonstrate that
442 implementation of the plan is not continuing in good faith based
443 on standards established by plan policy, or that substantial
444 changes in the conditions underlying the approval of the
445 detailed specific area plan have occurred, or that the detailed
446 specific area plan was based on substantially inaccurate
447 information provided by the applicant, or that the change is
448 clearly established to be essential to the public health,
449 safety, or welfare.

450 (6) Concurrent with or subsequent to review and adoption of
451 a long-term master plan pursuant to paragraph (3) (a), an
452 applicant may apply for master development approval pursuant to
453 s. 380.06(21) for the entire planning area in order to establish
454 a buildout date until which the approved uses and densities and
455 intensities of use of the master plan shall not be subject to
456 downzoning, unit density reduction, or intensity reduction,
457 unless the local government can demonstrate that implementation
458 of the master plan is not continuing in good faith based on
459 standards established by plan policy, or that substantial
460 changes in the conditions underlying the approval of the master
461 plan have occurred, or that the master plan was based on
462 substantially inaccurate information provided by the applicant,
463 or that change is clearly established to be essential to the
464 public health, safety, or welfare. Review of the application for

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465 master development approval shall be at a level of detail
466 appropriate for the long-term and conceptual nature of the long-
467 term master plan and, to the maximum extent possible, shall only
468 consider information provided in the application for a long-term
469 master plan. Notwithstanding any provision of s. 380.06 to the
470 contrary, an increment of development in such an approved master
471 development plan shall be approved by a detailed specific area
472 plan pursuant to paragraph (3) (b) and shall be exempt from
473 review pursuant to s. 380.06. ~~Beginning December 1, 1999, and~~
474 ~~each year thereafter, the department shall provide a status~~
475 ~~report to the Legislative Committee on Intergovernmental~~
476 ~~Relations regarding each optional sector plan authorized under~~
477 ~~this section.~~

478 (7) A developer within an area subject to a long-term
479 master plan that meets the requirements of paragraph (3) (a) and
480 subsection (6) or a detailed specific area plan that meets the
481 requirements of paragraph (3) (b) may enter into a development
482 agreement with a local government pursuant to ss. 163.3220-
483 163.3243. The duration of such a development agreement may be
484 through the planning period of the long-term master plan or the
485 detailed specific area plan, as the case may be, notwithstanding
486 the limit on the duration of a development agreement pursuant to
487 s. 163.3229.

488 (8) Any owner of property within the planning area of a
489 proposed long-term master plan may withdraw his or her consent
490 to the master plan at any time prior to local government
491 adoption, and the local government shall exclude such parcels
492 from the adopted master plan. Thereafter, the long-term master
493 plan, any detailed specific area plan, and the exemption from

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494 development-of-regional-impact review under this section shall
495 not apply to the subject parcels. After adoption of a long-term
496 master plan, an owner may withdraw his or her property from the
497 master plan only with the approval of the local government by
498 plan amendment adopted and reviewed pursuant to s. 163.3184.

499 (9) The adoption of a long-term master plan or a detailed
500 specific area plan pursuant to this section shall not limit the
501 right to continue existing agricultural or silvicultural uses or
502 other natural resource-based operations or to establish similar
503 new uses that are consistent with the plans approved pursuant to
504 this section.

505 (10) The state land planning agency may enter into an
506 agreement with a local government that, on or before July 1,
507 2011, adopted a large-area comprehensive plan amendment that
508 consisted of at least 15,000 acres and meets the requirements
509 for a long-term master plan in paragraph (3)(a), after notice
510 and public hearing by the local government, and thereafter,
511 notwithstanding any provision of s. 380.06, this part, or any
512 planning agreement or plan policy, that large-area plan shall be
513 implemented through detailed specific area plans that meet the
514 requirements of paragraph (3)(b) and shall otherwise be subject
515 to the provisions of this section.

516 (11) Notwithstanding any provision to the contrary of s.
517 380.06 or this part or any planning agreement or plan policy, a
518 landowner or developer who has received approval of a master
519 development of regional impact development order pursuant to s.
520 380.06(21) may apply to implement this order by filing one or
521 more applications to approve detailed specific area plans
522 pursuant to paragraph (3)(b).

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523 (12) Notwithstanding the provisions of this section, a
524 detailed specific area plan to implement a conceptual long-term
525 buildout overlay adopted by a local government and found in
526 compliance prior to July 1, 2011, shall be governed by the
527 provisions of this section.

528 (13)~~(7)~~ This section may not be construed to abrogate the
529 rights of any person under this chapter.

530 Section 5. Paragraph (b) of subsection (9) of section
531 163.3246, Florida Statutes, is amended to read:

532 163.3246 Local government comprehensive planning
533 certification program.—

534 (9)

535 (b) Plan amendments that change the boundaries of the
536 certification area; propose a rural land stewardship area
537 pursuant to s. 163.3177(11) (d); propose a ~~an optional~~ sector
538 plan pursuant to s. 163.3245; propose a school facilities
539 element; update a comprehensive plan based on an evaluation and
540 appraisal report; impact lands outside the certification
541 boundary; implement new statutory requirements that require
542 specific comprehensive plan amendments; or increase hurricane
543 evacuation times or the need for shelter capacity on lands
544 within the coastal high-hazard area shall be reviewed pursuant
545 to ss. 163.3184 and 163.3187.

546 Section 6. Paragraph (s) of subsection (24) of section
547 380.06, Florida Statutes, is amended to read:

548 380.06 Developments of regional impact.—

549 (24) STATUTORY EXEMPTIONS.—

550 (s) Any development in a detailed specific area plan which
551 is prepared pursuant to s. 163.3245 ~~and adopted into the~~

592-04599A-11

20111904c2

552 ~~comprehensive plan~~ is exempt from this section.

553

554 If a use is exempt from review as a development of regional
555 impact under paragraphs (a)-(s), but will be part of a larger
556 project that is subject to review as a development of regional
557 impact, the impact of the exempt use must be included in the
558 review of the larger project, unless such exempt use involves a
559 development of regional impact that includes a landowner,
560 tenant, or user that has entered into a funding agreement with
561 the Office of Tourism, Trade, and Economic Development under the
562 Innovation Incentive Program and the agreement contemplates a
563 state award of at least \$50 million.

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

566 380.115 Vested rights and duties; effect of size reduction,
567 changes in guidelines and standards.—

568 (3) A landowner that has filed an application for a
569 development-of-regional-impact review prior to the adoption of a
570 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
571 have the application reviewed pursuant to s. 380.06,
572 comprehensive plan provisions in force prior to adoption of the
573 sector plan, and any requested comprehensive plan amendments
574 that accompany the application.

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