1 A bill to be entitled
2 An act relating to developments of regional impact;
3 amending s. 380.06, F.S.; deleting provisions
4 authorizing the state land planning agency, a regional
5 planning agency, or a local government to petition the
6 Administration Commission to increase or decrease the
7 numerical thresholds of statewide guidelines and
8 standards used in determining whether developments are
9 subject to development-of-regional-impact review;
10 conforming cross-references; amending ss. 125.68,
11 163.3184, 163.3245, 189.415, 252.363, 369.307,
12 373.414, 380.061, 380.0651, 380.11, 380.115, and
13 403.524, F.S.; conforming cross-references; providing
14 an effective date.
15
16 Be It Enacted by the Legislature of the State of Florida:
17
18 Section 1. Subsections (4) through (29) of section 380.06,
19 Florida Statutes, are renumbered as subsections (3) through
20 (28), respectively, and present subsection (3), paragraphs (a),
21 (e), (f), and (i) of subsection (4), paragraph (b) of subsection
22 (6), paragraph (a) of subsection (8), paragraph (a) of
23 subsection (9), subsection (11), paragraph (a) of subsection
24 (12), subsection (13), subsection (14), paragraphs (c) and (g)
25 of subsection (15), paragraphs (e) and (h) of subsection (19),
26 paragraph (b) of subsection (21), subsection (22), paragraphs
27 (l), (t), and (x) of subsection (24), paragraphs (k) and (n) of
28 subsection (25), and subsection (28) of that section are

29 amended, to read:
30 380.06 Developments of regional impact.—
31 ~~(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND~~
32 ~~STANDARDS.—The state land planning agency, a regional planning~~
33 ~~agency, or a local government may petition the Administration~~
34 ~~Commission to increase or decrease the numerical thresholds of~~
35 ~~any statewide guideline and standard. The state land planning~~
36 ~~agency or the regional planning agency may petition for an~~
37 ~~increase or decrease for a particular local government's~~
38 ~~jurisdiction or a part of a particular jurisdiction. A local~~
39 ~~government may petition for an increase or decrease within its~~
40 ~~jurisdiction or a part of its jurisdiction. A number of requests~~
41 ~~may be combined in a single petition.~~
42 ~~(a) When a petition is filed, the state land planning~~
43 ~~agency shall have no more than 180 days to prepare and submit to~~
44 ~~the Administration Commission a report and recommendations on~~
45 ~~the proposed variation. The report shall evaluate, and the~~
46 ~~Administration Commission shall consider, the following~~
47 ~~criteria:~~
48 ~~1. Whether the local government has adopted and~~
49 ~~effectively implemented a comprehensive plan that reflects and~~
50 ~~implements the goals and objectives of an adopted state~~
51 ~~comprehensive plan.~~
52 ~~2. Any applicable policies in an adopted strategic~~
53 ~~regional policy plan.~~
54 ~~3. Whether the local government has adopted and~~
55 ~~effectively implemented both a comprehensive set of land~~
56 ~~development regulations, which regulations shall include a~~

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57 ~~planned unit development ordinance, and a capital improvements~~
58 ~~plan that are consistent with the local government comprehensive~~
59 ~~plan.~~
60 ~~4. Whether the local government has adopted and~~
61 ~~effectively implemented the authority and the fiscal mechanisms~~
62 ~~for requiring developers to meet development order conditions.~~
63 ~~5. Whether the local government has adopted and~~
64 ~~effectively implemented and enforced satisfactory development~~
65 ~~review procedures.~~
66 ~~(b) The affected regional planning agency, adjoining local~~
67 ~~governments, and the local government shall be given a~~
68 ~~reasonable opportunity to submit recommendations to the~~
69 ~~Administration Commission regarding any such proposed~~
70 ~~variations.~~
71 ~~(c) The Administration Commission shall have authority to~~
72 ~~increase or decrease a threshold in the statewide guidelines and~~
73 ~~standards up to 50 percent above or below the statewide~~
74 ~~presumptive threshold. The commission may from time to time~~
75 ~~reconsider changed thresholds and make additional variations as~~
76 ~~it deems necessary.~~
77 ~~(d) The Administration Commission shall adopt rules~~
78 ~~setting forth the procedures for submission and review of~~
79 ~~petitions filed pursuant to this subsection.~~
80 ~~(e) Variations to guidelines and standards adopted by the~~
81 ~~Administration Commission under this subsection shall be~~
82 ~~transmitted on or before March 1 to the President of the Senate~~
83 ~~and the Speaker of the House of Representatives for presentation~~
84 ~~at the next regular session of the Legislature. Unless approved~~

85 ~~as submitted by general law, the revisions shall not become~~
86 ~~effective.~~
87 (3) ~~(4)~~ BINDING LETTER.—
88 (a) If any developer is in doubt whether his or her
89 proposed development must undergo development-of-regional-impact
90 review under the guidelines and standards, whether his or her
91 rights have vested pursuant to subsection (19) ~~(20)~~, or whether
92 a proposed substantial change to a development of regional
93 impact concerning which rights had previously vested pursuant to
94 subsection (19) ~~(20)~~ would divest such rights, the developer may
95 request a determination from the state land planning agency. The
96 developer or the appropriate local government having
97 jurisdiction may request that the state land planning agency
98 determine whether the amount of development that remains to be
99 built in an approved development of regional impact meets the
100 criteria of subparagraph (14)(g)3 ~~(15)(g)3~~.
101 (e) In determining whether a proposed substantial change
102 to a development of regional impact concerning which rights had
103 previously vested pursuant to subsection (19) ~~(20)~~ would divest
104 such rights, the state land planning agency shall review the
105 proposed change within the context of:
106 1. Criteria specified in paragraph (18)(b) ~~(19)(b)~~;
107 2. Its conformance with any adopted state comprehensive
108 plan and any rules of the state land planning agency;
109 3. All rights and obligations arising out of the vested
110 status of such development;
111 4. Permit conditions or requirements imposed by the
112 Department of Environmental Protection or any water management

113 district created by s. 373.069 or any of their successor
114 agencies or by any appropriate federal regulatory agency; and
115 5. Any regional impacts arising from the proposed change.
116 (f) If a proposed substantial change to a development of
117 regional impact concerning which rights had previously vested
118 pursuant to subsection <u>(19)</u> ~~(20)~~ would result in reduced
119 regional impacts, the change shall not divest rights to complete
120 the development pursuant to subsection <u>(19)</u> ~~(20)~~. Furthermore,
121 where all or a portion of the development of regional impact for
122 which rights had previously vested pursuant to subsection <u>(19)</u>
123 ~~(20)~~ is demolished and reconstructed within the same approximate
124 footprint of buildings and parking lots, so that any change in
125 the size of the development does not exceed the criteria of
126 paragraph <u>(18)(b)</u> ~~(19)(b)~~, such demolition and reconstruction
127 shall not divest the rights which had vested.
128 (i) In response to an inquiry from a developer or the
129 appropriate local government having jurisdiction, the state land
130 planning agency may issue an informal determination in the form
131 of a clearance letter as to whether a development is required to
132 undergo development-of-regional-impact review or whether the
133 amount of development that remains to be built in an approved
134 development of regional impact meets the criteria of
135 subparagraph <u>(14)(g)3</u> ~~(15)(g)3~~. A clearance letter may be based
136 solely on the information provided by the developer, and the
137 state land planning agency is not required to conduct an
138 investigation of that information. If any material information
139 provided by the developer is incomplete or inaccurate, the
140 clearance letter is not binding upon the state land planning

141 agency. A clearance letter does not constitute final agency
142 action.
143 (5) ~~(6)~~ APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
144 PLAN AMENDMENTS.—
145 (b) Any local government comprehensive plan amendments
146 related to a proposed development of regional impact, including
147 any changes proposed under subsection (18) ~~(19)~~, may be
148 initiated by a local planning agency or the developer and must
149 be considered by the local governing body at the same time as
150 the application for development approval using the procedures
151 provided for local plan amendment in s. 163.3184 and applicable
152 local ordinances, without regard to local limits on the
153 frequency of consideration of amendments to the local
154 comprehensive plan. This paragraph does not require favorable
155 consideration of a plan amendment solely because it is related
156 to a development of regional impact. The procedure for
157 processing such comprehensive plan amendments is as follows:
158 1. If a developer seeks a comprehensive plan amendment
159 related to a development of regional impact, the developer must
160 so notify in writing the regional planning agency, the
161 applicable local government, and the state land planning agency
162 no later than the date of preapplication conference or the
163 submission of the proposed change under subsection (18) ~~(19)~~.
164 2. When filing the application for development approval or
165 the proposed change, the developer must include a written
166 request for comprehensive plan amendments that would be
167 necessitated by the development-of-regional-impact approvals
168 sought. That request must include data and analysis upon which

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169 the applicable local government can determine whether to
170 transmit the comprehensive plan amendment pursuant to s.
171 163.3184.
172 3. The local government must advertise a public hearing on
173 the transmittal within 30 days after filing the application for
174 development approval or the proposed change and must make a
175 determination on the transmittal within 60 days after the
176 initial filing unless that time is extended by the developer.
177 4. If the local government approves the transmittal,
178 procedures set forth in s. 163.3184 must be followed.
179 5. Notwithstanding subsection (10) (11) or subsection (18)
180 (19), the local government may not hold a public hearing on the
181 application for development approval or the proposed change or
182 on the comprehensive plan amendments sooner than 30 days after
183 reviewing agency comments are due to the local government
184 pursuant to s. 163.3184.
185 6. The local government must hear both the application for
186 development approval or the proposed change and the
187 comprehensive plan amendments at the same hearing. However, the
188 local government must take action separately on the application
189 for development approval or the proposed change and on the
190 comprehensive plan amendments.
191 7. Thereafter, the appeal process for the local government
192 development order must follow the provisions of s. 380.07, and
193 the compliance process for the comprehensive plan amendments
194 must follow the provisions of s. 163.3184.
195 (7) (8) PRELIMINARY DEVELOPMENT AGREEMENTS.—
196 (a) A developer may enter into a written preliminary

197 development agreement with the state land planning agency to
198 allow a developer to proceed with a limited amount of the total
199 proposed development, subject to all other governmental
200 approvals and solely at the developer's own risk, prior to
201 issuance of a final development order. All owners of the land in
202 the total proposed development shall join the developer as
203 parties to the agreement. Each agreement shall include and be
204 subject to the following conditions:
205 1. The developer shall comply with the preapplication
206 conference requirements pursuant to subsection (6) ~~(7)~~ within 45
207 days after the execution of the agreement.
208 2. The developer shall file an application for development
209 approval for the total proposed development within 3 months
210 after execution of the agreement, unless the state land planning
211 agency agrees to a different time for good cause shown. Failure
212 to timely file an application and to otherwise diligently
213 proceed in good faith to obtain a final development order shall
214 constitute a breach of the preliminary development agreement.
215 3. The agreement shall include maps and legal descriptions
216 of both the preliminary development area and the total proposed
217 development area and shall specifically describe the preliminary
218 development in terms of magnitude and location. The area
219 approved for preliminary development must be included in the
220 application for development approval and shall be subject to the
221 terms and conditions of the final development order.
222 4. The preliminary development shall be limited to lands
223 that the state land planning agency agrees are suitable for
224 development and shall only be allowed in areas where adequate

225 public infrastructure exists to accommodate the preliminary
226 development, when such development will utilize public
227 infrastructure. The developer must also demonstrate that the
228 preliminary development will not result in material adverse
229 impacts to existing resources or existing or planned facilities.
230 5. The preliminary development agreement may allow
231 development which is:
232 a. Less than 100 percent of any applicable threshold if
233 the developer demonstrates that such development is consistent
234 with subparagraph 4.; or
235 b. Less than 120 percent of any applicable threshold if
236 the developer demonstrates that such development is part of a
237 proposed downtown development of regional impact specified in
238 subsection (21) ~~(22)~~ or part of any areawide development of
239 regional impact specified in subsection (24) ~~(25)~~ and that the
240 development is consistent with subparagraph 4.
241 6. The developer and owners of the land may not claim
242 vested rights, or assert equitable estoppel, arising from the
243 agreement or any expenditures or actions taken in reliance on
244 the agreement to continue with the total proposed development
245 beyond the preliminary development. The agreement shall not
246 entitle the developer to a final development order approving the
247 total proposed development or to particular conditions in a
248 final development order.
249 7. The agreement shall not prohibit the regional planning
250 agency from reviewing or commenting on any regional issue that
251 the regional agency determines should be included in the
252 regional agency's report on the application for development

253 approval.
254 8. The agreement shall include a disclosure by the
255 developer and all the owners of the land in the total proposed
256 development of all land or development within 5 miles of the
257 total proposed development in which they have an interest and
258 shall describe such interest.
259 9. In the event of a breach of the agreement or failure to
260 comply with any condition of the agreement, or if the agreement
261 was based on materially inaccurate information, the state land
262 planning agency may terminate the agreement or file suit to
263 enforce the agreement as provided in this section and s. 380.11,
264 including a suit to enjoin all development.
265 10. A notice of the preliminary development agreement
266 shall be recorded by the developer in accordance with s. 28.222
267 with the clerk of the circuit court for each county in which
268 land covered by the terms of the agreement is located. The
269 notice shall include a legal description of the land covered by
270 the agreement and shall state the parties to the agreement, the
271 date of adoption of the agreement and any subsequent amendments,
272 the location where the agreement may be examined, and that the
273 agreement constitutes a land development regulation applicable
274 to portions of the land covered by the agreement. The provisions
275 of the agreement shall inure to the benefit of and be binding
276 upon successors and assigns of the parties in the agreement.
277 11. Except for those agreements which authorize
278 preliminary development for substantial deviations pursuant to
279 subsection <u>(18)</u> ~~(19)~~, a developer who no longer wishes to pursue
280 a development of regional impact may propose to abandon any

281 preliminary development agreement executed after January 1,
282 1985, including those pursuant to s. 380.032(3), provided at the
283 time of abandonment:
284 a. A final development order under this section has been
285 rendered that approves all of the development actually
286 constructed; or
287 b. The amount of development is less than 100 percent of
288 all numerical thresholds of the guidelines and standards, and
289 the state land planning agency determines in writing that the
290 development to date is in compliance with all applicable local
291 regulations and the terms and conditions of the preliminary
292 development agreement and otherwise adequately mitigates for the
293 impacts of the development to date.
294
295 In either event, when a developer proposes to abandon said
296 agreement, the developer shall give written notice and state
297 that he or she is no longer proposing a development of regional
298 impact and provide adequate documentation that he or she has met
299 the criteria for abandonment of the agreement to the state land
300 planning agency. Within 30 days of receipt of adequate
301 documentation of such notice, the state land planning agency
302 shall make its determination as to whether or not the developer
303 meets the criteria for abandonment. Once the state land planning
304 agency determines that the developer meets the criteria for
305 abandonment, the state land planning agency shall issue a notice
306 of abandonment which shall be recorded by the developer in
307 accordance with s. 28.222 with the clerk of the circuit court
308 for each county in which land covered by the terms of the

309 agreement is located.
310 (8) (9) CONCEPTUAL AGENCY REVIEW.—
311 (a)1. In order to facilitate the planning and preparation
312 of permit applications for projects that undergo development-of-
313 regional-impact review, and in order to coordinate the
314 information required to issue such permits, a developer may
315 elect to request conceptual agency review under this subsection
316 either concurrently with development-of-regional-impact review
317 and comprehensive plan amendments, if applicable, or subsequent
318 to a preapplication conference held pursuant to subsection (6)
319 (7).
320 2. "Conceptual agency review" means general review of the
321 proposed location, densities, intensity of use, character, and
322 major design features of a proposed development required to
323 undergo review under this section for the purpose of considering
324 whether these aspects of the proposed development comply with
325 the issuing agency's statutes and rules.
326 3. Conceptual agency review is a licensing action subject
327 to chapter 120, and approval or denial constitutes final agency
328 action, except that the 90-day time period specified in s.
329 120.60(1) shall be tolled for the agency when the affected
330 regional planning agency requests information from the developer
331 pursuant to paragraph (9)(b) (10)(b). If proposed agency action
332 on the conceptual approval is the subject of a proceeding under
333 ss. 120.569 and 120.57, final agency action shall be conclusive
334 as to any issues actually raised and adjudicated in the
335 proceeding, and such issues may not be raised in any subsequent
336 proceeding under ss. 120.569 and 120.57 on the proposed

337 development by any parties to the prior proceeding.
338 4. A conceptual agency review approval shall be valid for
339 up to 10 years, unless otherwise provided in a state or regional
340 agency rule, and may be reviewed and reissued for additional
341 periods of time under procedures established by the agency.
342 (10) ~~(11)~~ LOCAL NOTICE.—Upon receipt of the sufficiency
343 notification from the regional planning agency required by
344 paragraph (9)(c) ~~(10)(c)~~, the appropriate local government shall
345 give notice and hold a public hearing on the application in the
346 same manner as for a rezoning as provided under the appropriate
347 special or local law or ordinance, except that such hearing
348 proceedings shall be recorded by tape or a certified court
349 reporter and made available for transcription at the expense of
350 any interested party. When a development of regional impact is
351 proposed within the jurisdiction of more than one local
352 government, the local governments, at the request of the
353 developer, may hold a joint public hearing. The local government
354 shall comply with the following additional requirements:
355 (a) The notice of public hearing shall state that the
356 proposed development is undergoing a development-of-regional-
357 impact review.
358 (b) The notice shall be published at least 60 days in
359 advance of the hearing and shall specify where the information
360 and reports on the development-of-regional-impact application
361 may be reviewed.
362 (c) The notice shall be given to the state land planning
363 agency, to the applicable regional planning agency, to any state
364 or regional permitting agency participating in a conceptual

365 agency review process under subsection (8) ~~(9)~~, and to such
366 other persons as may have been designated by the state land
367 planning agency as entitled to receive such notices.
368 (d) A public hearing date shall be set by the appropriate
369 local government at the next scheduled meeting. The public
370 hearing shall be held no later than 90 days after issuance of
371 notice by the regional planning agency that a public hearing may
372 be set, unless an extension is requested by the applicant.
373 (11) ~~(12)~~ REGIONAL REPORTS.—
374 (a) Within 50 days after receipt of the notice of public
375 hearing required in paragraph (10)(c) ~~(11)(c)~~, the regional
376 planning agency, if one has been designated for the area
377 including the local government, shall prepare and submit to the
378 local government a report and recommendations on the regional
379 impact of the proposed development. In preparing its report and
380 recommendations, the regional planning agency shall identify
381 regional issues based upon the following review criteria and
382 make recommendations to the local government on these regional
383 issues, specifically considering whether, and the extent to
384 which:
385 1. The development will have a favorable or unfavorable
386 impact on state or regional resources or facilities identified
387 in the applicable state or regional plans. As used in this
388 subsection, the term "applicable state plan" means the state
389 comprehensive plan. As used in this subsection, the term
390 "applicable regional plan" means an adopted strategic regional
391 policy plan.
392 2. The development will significantly impact adjacent

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393 jurisdictions. At the request of the appropriate local
394 government, regional planning agencies may also review and
395 comment upon issues that affect only the requesting local
396 government.
397 3. As one of the issues considered in the review in
398 subparagraphs 1. and 2., the development will favorably or
399 adversely affect the ability of people to find adequate housing
400 reasonably accessible to their places of employment if the
401 regional planning agency has adopted an affordable housing
402 policy as part of its strategic regional policy plan. The
403 determination should take into account information on factors
404 that are relevant to the availability of reasonably accessible
405 adequate housing. Adequate housing means housing that is
406 available for occupancy and that is not substandard.
407 (12) ~~(13)~~ CRITERIA IN AREAS OF CRITICAL STATE CONCERN.—If
408 the development is in an area of critical state concern, the
409 local government shall approve it only if it complies with the
410 land development regulations therefor under s. 380.05 and the
411 provisions of this section. The provisions of this section shall
412 not apply to developments in areas of critical state concern
413 which had pending applications and had been noticed or agendaed
414 by local government after September 1, 1985, and before October
415 1, 1985, for development order approval. In all such cases, the
416 state land planning agency may consider and address applicable
417 regional issues contained in subsection (11) ~~(12)~~ as part of its
418 area-of-critical-state-concern review pursuant to ss. 380.05,
419 380.07, and 380.11.
420 (13) ~~(14)~~ CRITERIA OUTSIDE AREAS OF CRITICAL STATE

421 CONCERN.—If the development is not located in an area of
422 critical state concern, in considering whether the development
423 shall be approved, denied, or approved subject to conditions,
424 restrictions, or limitations, the local government shall
425 consider whether, and the extent to which:
426 (a) The development is consistent with the local
427 comprehensive plan and local land development regulations;
428 (b) The development is consistent with the report and
429 recommendations of the regional planning agency submitted
430 pursuant to subsection (11) ~~(12)~~; and
431 (c) The development is consistent with the State
432 Comprehensive Plan. In consistency determinations the plan shall
433 be construed and applied in accordance with s. 187.101(3).
434 (14) ~~(15)~~ LOCAL GOVERNMENT DEVELOPMENT ORDER.—
435 (c) The development order shall include findings of fact
436 and conclusions of law consistent with subsections (12) ~~(13)~~ and
437 (13) ~~(14)~~. The development order:
438 1. Shall specify the monitoring procedures and the local
439 official responsible for assuring compliance by the developer
440 with the development order.
441 2. Shall establish compliance dates for the development
442 order, including a deadline for commencing physical development
443 and for compliance with conditions of approval or phasing
444 requirements, and shall include a buildout date that reasonably
445 reflects the time anticipated to complete the development.
446 3. Shall establish a date until which the local government
447 agrees that the approved development of regional impact shall
448 not be subject to downzoning, unit density reduction, or

449 intensity reduction, unless the local government can demonstrate
450 that substantial changes in the conditions underlying the
451 approval of the development order have occurred or the
452 development order was based on substantially inaccurate
453 information provided by the developer or that the change is
454 clearly established by local government to be essential to the
455 public health, safety, or welfare. The date established pursuant
456 to this subparagraph shall be no sooner than the buildout date
457 of the project.
458 4. Shall specify the requirements for the biennial report
459 designated under subsection (17) ~~(18)~~, including the date of
460 submission, parties to whom the report is submitted, and
461 contents of the report, based upon the rules adopted by the
462 state land planning agency. Such rules shall specify the scope
463 of any additional local requirements that may be necessary for
464 the report.
465 5. May specify the types of changes to the development
466 which shall require submission for a substantial deviation
467 determination or a notice of proposed change under subsection
468 (19).
469 6. Shall include a legal description of the property.
470 (g) A local government shall not issue permits for
471 development subsequent to the buildout date contained in the
472 development order unless:
473 1. The proposed development has been evaluated
474 cumulatively with existing development under the substantial
475 deviation provisions of subsection (18) ~~(19)~~ subsequent to the
476 termination or expiration date;

477 2. The proposed development is consistent with an
478 abandonment of development order that has been issued in
479 accordance with the provisions of subsection (25) ~~(26)~~;
480 3. The development of regional impact is essentially built
481 out, in that all the mitigation requirements in the development
482 order have been satisfied, all developers are in compliance with
483 all applicable terms and conditions of the development order
484 except the buildout date, and the amount of proposed development
485 that remains to be built is less than 40 percent of any
486 applicable development-of-regional-impact threshold; or
487 4. The project has been determined to be an essentially
488 built-out development of regional impact through an agreement
489 executed by the developer, the state land planning agency, and
490 the local government, in accordance with s. 380.032, which will
491 establish the terms and conditions under which the development
492 may be continued. If the project is determined to be essentially
493 built out, development may proceed pursuant to the s. 380.032
494 agreement after the termination or expiration date contained in
495 the development order without further development-of-regional-
496 impact review subject to the local government comprehensive plan
497 and land development regulations or subject to a modified
498 development-of-regional-impact analysis. As used in this
499 paragraph, an "essentially built-out" development of regional
500 impact means:
501 a. The developers are in compliance with all applicable
502 terms and conditions of the development order except the
503 buildout date; and
504 b.(I) The amount of development that remains to be built

505 is less than the substantial deviation threshold specified in
506 paragraph (18)(b) ~~(19)(b)~~ for each individual land use category,
507 or, for a multiuse development, the sum total of all unbuilt
508 land uses as a percentage of the applicable substantial
509 deviation threshold is equal to or less than 100 percent; or
510 (II) The state land planning agency and the local
511 government have agreed in writing that the amount of development
512 to be built does not create the likelihood of any additional
513 regional impact not previously reviewed.
514
515 The single-family residential portions of a development may be
516 considered "essentially built out" if all of the workforce
517 housing obligations and all of the infrastructure and horizontal
518 development have been completed, at least 50 percent of the
519 dwelling units have been completed, and more than 80 percent of
520 the lots have been conveyed to third-party individual lot owners
521 or to individual builders who own no more than 40 lots at the
522 time of the determination. The mobile home park portions of a
523 development may be considered "essentially built out" if all the
524 infrastructure and horizontal development has been completed,
525 and at least 50 percent of the lots are leased to individual
526 mobile home owners.
527 (18) ~~(19)~~ SUBSTANTIAL DEVIATIONS.—
528 (e)1. Except for a development order rendered pursuant to
529 subsection (21) ~~(22)~~ or subsection (24) ~~(25)~~, a proposed change
530 to a development order which individually or cumulatively with
531 any previous change is less than any numerical criterion
532 contained in subparagraphs (b)1.-10. and does not exceed any

533 other criterion, or which involves an extension of the buildout
534 date of a development, or any phase thereof, of less than 5
535 years is not subject to the public hearing requirements of
536 subparagraph (f)3., and is not subject to a determination
537 pursuant to subparagraph (f)5. Notice of the proposed change
538 shall be made to the regional planning council and the state
539 land planning agency. Such notice must include a description of
540 previous individual changes made to the development, including
541 changes previously approved by the local government, and must
542 include appropriate amendments to the development order.
543 2. The following changes, individually or cumulatively
544 with any previous changes, are not substantial deviations:
545 a. Changes in the name of the project, developer, owner,
546 or monitoring official.
547 b. Changes to a setback which do not affect noise buffers,
548 environmental protection or mitigation areas, or archaeological
549 or historical resources.
550 c. Changes to minimum lot sizes.
551 d. Changes in the configuration of internal roads which do
552 not affect external access points.
553 e. Changes to the building design or orientation which
554 stay approximately within the approved area designated for such
555 building and parking lot, and which do not affect historical
556 buildings designated as significant by the Division of
557 Historical Resources of the Department of State.
558 f. Changes to increase the acreage in the development, if
559 no development is proposed on the acreage to be added.
560 g. Changes to eliminate an approved land use, if there are

561 no additional regional impacts.
562 h. Changes required to conform to permits approved by any
563 federal, state, or regional permitting agency, if these changes
564 do not create additional regional impacts.
565 i. Any renovation or redevelopment of development within a
566 previously approved development of regional impact which does
567 not change land use or increase density or intensity of use.
568 j. Changes that modify boundaries and configuration of
569 areas described in subparagraph (b)11. due to science-based
570 refinement of such areas by survey, by habitat evaluation, by
571 other recognized assessment methodology, or by an environmental
572 assessment. In order for changes to qualify under this sub-
573 subparagraph, the survey, habitat evaluation, or assessment must
574 occur before the time that a conservation easement protecting
575 such lands is recorded and must not result in any net decrease
576 in the total acreage of the lands specifically set aside for
577 permanent preservation in the final development order.
578 k. Changes that do not increase the number of external
579 peak hour trips and do not reduce open space and conserved areas
580 within the project except as otherwise permitted by sub-
581 subparagraph j.
582 l. Any other change that the state land planning agency,
583 in consultation with the regional planning council, agrees in
584 writing is similar in nature, impact, or character to the
585 changes enumerated in sub-subparagraphs a.-k. and that does not
586 create the likelihood of any additional regional impact.
587
588 This subsection does not require the filing of a notice of

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589 proposed change but requires an application to the local
590 government to amend the development order in accordance with the
591 local government's procedures for amendment of a development
592 order. In accordance with the local government's procedures,
593 including requirements for notice to the applicant and the
594 public, the local government shall either deny the application
595 for amendment or adopt an amendment to the development order
596 which approves the application with or without conditions.
597 Following adoption, the local government shall render to the
598 state land planning agency the amendment to the development
599 order. The state land planning agency may appeal, pursuant to s.
600 380.07(3), the amendment to the development order if the
601 amendment involves sub-subparagraph g., sub-subparagraph h.,
602 sub-subparagraph j., sub-subparagraph k., or sub-subparagraph l.
603 and if the agency believes that the change creates a reasonable
604 likelihood of new or additional regional impacts.
605 3. Except for the change authorized by sub-subparagraph
606 2.f., any addition of land not previously reviewed or any change
607 not specified in paragraph (b) or paragraph (c) shall be
608 presumed to create a substantial deviation. This presumption may
609 be rebutted by clear and convincing evidence.
610 4. Any submittal of a proposed change to a previously
611 approved development must include a description of individual
612 changes previously made to the development, including changes
613 previously approved by the local government. The local
614 government shall consider the previous and current proposed
615 changes in deciding whether such changes cumulatively constitute
616 a substantial deviation requiring further development-of-

617 regional-impact review.
618 5. The following changes to an approved development of
619 regional impact shall be presumed to create a substantial
620 deviation. Such presumption may be rebutted by clear and
621 convincing evidence.
622 a. A change proposed for 15 percent or more of the acreage
623 to a land use not previously approved in the development order.
624 Changes of less than 15 percent shall be presumed not to create
625 a substantial deviation.
626 b. Notwithstanding any provision of paragraph (b) to the
627 contrary, a proposed change consisting of simultaneous increases
628 and decreases of at least two of the uses within an authorized
629 multiuse development of regional impact which was originally
630 approved with three or more uses specified in s. 380.0651(3)(c)
631 and (d) and residential use.
632 6. If a local government agrees to a proposed change, a
633 change in the transportation proportionate share calculation and
634 mitigation plan in an adopted development order as a result of
635 recalculation of the proportionate share contribution meeting
636 the requirements of s. 163.3180(5)(h) in effect as of the date
637 of such change shall be presumed not to create a substantial
638 deviation. For purposes of this subsection, the proposed change
639 in the proportionate share calculation or mitigation plan may
640 not be considered an additional regional transportation impact.
641 (h) When further development-of-regional-impact review is
642 required because a substantial deviation has been determined or
643 admitted by the developer, the amendment to the development
644 order issued by the local government shall be consistent with

645 the requirements of subsection (14) ~~(15)~~ and shall be subject to
646 the hearing and appeal provisions of s. 380.07. The state land
647 planning agency or the appropriate regional planning agency need
648 not participate at the local hearing in order to appeal a local
649 government development order issued pursuant to this paragraph.
650 (20) ~~(21)~~ COMPREHENSIVE APPLICATION; MASTER PLAN
651 DEVELOPMENT ORDER.—
652 (b) If a proposed development is planned for development
653 over an extended period of time, the developer may file an
654 application for master development approval of the project and
655 agree to present subsequent increments of the development for
656 preconstruction review. This agreement shall be entered into by
657 the developer, the regional planning agency, and the appropriate
658 local government having jurisdiction. The provisions of
659 subsection (8) ~~(9)~~ do not apply to this subsection, except that
660 a developer may elect to utilize the review process established
661 in subsection (8) ~~(9)~~ for review of the increments of a master
662 plan.
663 1. Prior to adoption of the master plan development order,
664 the developer, the landowner, the appropriate regional planning
665 agency, and the local government having jurisdiction shall
666 review the draft of the development order to ensure that
667 anticipated regional impacts have been adequately addressed and
668 that information requirements for subsequent incremental
669 application review are clearly defined. The development order
670 for a master application shall specify the information which
671 must be submitted with an incremental application and shall
672 identify those issues which can result in the denial of an

673 incremental application.
674 2. The review of subsequent incremental applications shall
675 be limited to that information specifically required and those
676 issues specifically raised by the master development order,
677 unless substantial changes in the conditions underlying the
678 approval of the master plan development order are demonstrated
679 or the master development order is shown to have been based on
680 substantially inaccurate information.
681 (21) ~~(22)~~ DOWNTOWN DEVELOPMENT AUTHORITIES.—
682 (a) A downtown development authority may submit a
683 development-of-regional-impact application for development
684 approval pursuant to this section. The area described in the
685 application may consist of any or all of the land over which a
686 downtown development authority has the power described in s.
687 380.031(5). For the purposes of this subsection, a downtown
688 development authority shall be considered the developer whether
689 or not the development will be undertaken by the downtown
690 development authority.
691 (b) In addition to information required by the
692 development-of-regional-impact application, the application for
693 development approval submitted by a downtown development
694 authority shall specify the total amount of development planned
695 for each land use category. In addition to the requirements of
696 subsection (14) ~~(15)~~, the development order shall specify the
697 amount of development approved within each land use category.
698 Development undertaken in conformance with a development order
699 issued under this section does not require further review.
700 (c) If a development is proposed within the area of a

701 downtown development plan approved pursuant to this section
702 which would result in development in excess of the amount
703 specified in the development order for that type of activity,
704 changes shall be subject to the provisions of subsection (18)
705 ~~(19)~~, except that the percentages and numerical criteria shall
706 be double those listed in paragraph (18)(b) ~~(19)(b)~~.
707 (d) The provisions of subsection (8) ~~(9)~~ do not apply to
708 this subsection.
709 (23)~~(24)~~ STATUTORY EXEMPTIONS.—
710 (l) Any proposed development within an urban service
711 boundary established under s. 163.3177(14), Florida Statutes
712 (2010), which is not otherwise exempt pursuant to subsection
713 (28) ~~(29)~~, is exempt from this section if the local government
714 having jurisdiction over the area where the development is
715 proposed has adopted the urban service boundary and has entered
716 into a binding agreement with jurisdictions that would be
717 impacted and with the Department of Transportation regarding the
718 mitigation of impacts on state and regional transportation
719 facilities.
720 (t) Any proposed solid mineral mine and any proposed
721 addition to, expansion of, or change to an existing solid
722 mineral mine is exempt from this section. A mine owner will
723 enter into a binding agreement with the Department of
724 Transportation to mitigate impacts to strategic intermodal
725 system facilities pursuant to the transportation thresholds in
726 subsection (18) ~~(19)~~ or rule 9J-2.045(6), Florida Administrative
727 Code. Proposed changes to any previously approved solid mineral
728 mine development-of-regional-impact development orders having

729 vested rights are is not subject to further review or approval
730 as a development-of-regional-impact or notice-of-proposed-change
731 review or approval pursuant to subsection (18) ~~(19)~~, except for
732 those applications pending as of July 1, 2011, which shall be
733 governed by s. 380.115(2). Notwithstanding the foregoing,
734 however, pursuant to s. 380.115(1), previously approved solid
735 mineral mine development-of-regional-impact development orders
736 shall continue to enjoy vested rights and continue to be
737 effective unless rescinded by the developer. All local
738 government regulations of proposed solid mineral mines shall be
739 applicable to any new solid mineral mine or to any proposed
740 addition to, expansion of, or change to an existing solid
741 mineral mine.
742 (x) Any proposed development that is located in a local
743 government jurisdiction that does not qualify for an exemption
744 based on the population and density criteria in paragraph
745 (28)(a) ~~(29)(a)~~, that is approved as a comprehensive plan
746 amendment adopted pursuant to s. 163.3184(4), and that is the
747 subject of an agreement pursuant to s. 288.106(5) is exempt from
748 this section. This exemption shall only be effective upon a
749 written agreement executed by the applicant, the local
750 government, and the state land planning agency. The state land
751 planning agency shall only be a party to the agreement upon a
752 determination that the development is the subject of an
753 agreement pursuant to s. 288.106(5) and that the local
754 government has the capacity to adequately assess the impacts of
755 the proposed development. The local government shall only be a
756 party to the agreement upon approval by the governing body of

757 the local government and upon providing at least 21 days' notice
758 to adjacent local governments that includes, at a minimum,
759 information regarding the location, density and intensity of
760 use, and timing of the proposed development. This exemption does
761 not apply to areas within the boundary of any area of critical
762 state concern designated pursuant to s. 380.05, within the
763 boundary of the Wekiva Study Area as described in s. 369.316, or
764 within 2 miles of the boundary of the Everglades Protection Area
765 as defined in s. 373.4592(2).
766
767 If a use is exempt from review as a development of regional
768 impact under paragraphs (a)-(u), but will be part of a larger
769 project that is subject to review as a development of regional
770 impact, the impact of the exempt use must be included in the
771 review of the larger project, unless such exempt use involves a
772 development of regional impact that includes a landowner,
773 tenant, or user that has entered into a funding agreement with
774 the Department of Economic Opportunity under the Innovation
775 Incentive Program and the agreement contemplates a state award
776 of at least $50 million.
777 (24) ~~(25)~~ AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—
778 (k) In addition to the requirements of subsection (13)
779 ~~(14)~~, a development order approving, or approving with
780 conditions, a proposed areawide development of regional impact
781 shall specify the approved land uses and the amount of
782 development approved within each land use category in the
783 defined planning area. The development order shall incorporate
784 by reference the approved areawide development plan. The local

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785 government shall not approve an areawide development plan that
786 is inconsistent with the local comprehensive plan, except that a
787 local government may amend its comprehensive plan pursuant to
788 paragraph (6)(b).
789 (n) After a development order approving an areawide
790 development plan is received, changes shall be subject to the
791 provisions of subsection (18) ~~(19)~~, except that the percentages
792 and numerical criteria shall be double those listed in paragraph
793 (19)(b).
794 (27) ~~(28)~~ PARTIAL STATUTORY EXEMPTIONS.—
795 (a) If the binding agreement referenced under paragraph
796 (23)(l) ~~(24)(l)~~ for urban service boundaries is not entered into
797 within 12 months after establishment of the urban service
798 boundary, the development-of-regional-impact review for projects
799 within the urban service boundary must address transportation
800 impacts only.
801 (b) If the binding agreement referenced under paragraph
802 (23)(m) ~~(24)(m)~~ for rural land stewardship areas is not entered
803 into within 12 months after the designation of a rural land
804 stewardship area, the development-of-regional-impact review for
805 projects within the rural land stewardship area must address
806 transportation impacts only.
807 (c) If the binding agreement for designated urban infill
808 and redevelopment areas is not entered into within 12 months
809 after the designation of the area or July 1, 2007, whichever
810 occurs later, the development-of-regional-impact review for
811 projects within the urban infill and redevelopment area must
812 address transportation impacts only.

813 (d) A local government that does not wish to enter into a
814 binding agreement or that is unable to agree on the terms of the
815 agreement referenced under paragraph <u>(23)(l)</u> ~~(24)(l)~~ or
816 paragraph <u>(23)(m)</u> ~~(24)(m)~~ shall provide written notification to
817 the state land planning agency of the decision to not enter into
818 a binding agreement or the failure to enter into a binding
819 agreement within the 12-month period referenced in paragraphs
820 (a), (b) and (c). Following the notification of the state land
821 planning agency, development-of-regional-impact review for
822 projects within an urban service boundary under paragraph
823 <u>(23)(l)</u> ~~(24)(l)~~, or a rural land stewardship area under
824 paragraph <u>(23)(m)</u> ~~(24)(m)~~, must address transportation impacts
825 only.
826 (e) The vesting provision of s. 163.3167(5) relating to an
827 authorized development of regional impact does not apply to
828 those projects partially exempt from the development-of-
829 regional-impact review process under paragraphs (a)-(d).
830 Section 2. Paragraph (c) of subsection (1) of section
831 125.68, Florida Statutes, is amended to read:
832 125.68 Codification of ordinances; exceptions; public
833 record.—
834 (1)
835 (c) The following ordinances are exempt from codification
836 and annual publication requirements:
837 1. Any development agreement, or amendment to such
838 agreement, adopted by ordinance pursuant to ss. 163.3220-
839 163.3243.
840 2. Any development order, or amendment to such order,

841 adopted by ordinance pursuant to s. 380.06(14) ~~380.06(15)~~.
842 Section 3. Paragraph (c) of subsection (2) of section
843 163.3184, Florida Statutes, is amended to read:
844 163.3184 Process for adoption of comprehensive plan or
845 plan amendment.—
846 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
847 (c) Plan amendments that are in an area of critical state
848 concern designated pursuant to s. 380.05; propose a rural land
849 stewardship area pursuant to s. 163.3248; propose a sector plan
850 pursuant to s. 163.3245; update a comprehensive plan based on an
851 evaluation and appraisal pursuant to s. 163.3191; propose a
852 development pursuant to s. 380.06(23)(x) ~~380.06(24)(x)~~; or are
853 new plans for newly incorporated municipalities adopted pursuant
854 to s. 163.3167 shall follow the state coordinated review process
855 in subsection (4).
856 Section 4. Subsections (6) and (12) of section 163.3245,
857 Florida Statutes, are amended to read:
858 163.3245 Sector plans.—
859 (6) Concurrent with or subsequent to review and adoption
860 of a long-term master plan pursuant to paragraph (3)(a), an
861 applicant may apply for master development approval pursuant to
862 s. 380.06(20) ~~380.06(21)~~ for the entire planning area in order
863 to establish a buildout date until which the approved uses and
864 densities and intensities of use of the master plan are not
865 subject to downzoning, unit density reduction, or intensity
866 reduction, unless the local government can demonstrate that
867 implementation of the master plan is not continuing in good
868 faith based on standards established by plan policy, that

869 substantial changes in the conditions underlying the approval of
870 the master plan have occurred, that the master plan was based on
871 substantially inaccurate information provided by the applicant,
872 or that change is clearly established to be essential to the
873 public health, safety, or welfare. Review of the application for
874 master development approval shall be at a level of detail
875 appropriate for the long-term and conceptual nature of the long-
876 term master plan and, to the maximum extent possible, may only
877 consider information provided in the application for a long-term
878 master plan. Notwithstanding s. 380.06, an increment of
879 development in such an approved master development plan must be
880 approved by a detailed specific area plan pursuant to paragraph
881 (3)(b) and is exempt from review pursuant to s. 380.06.
882 (12) Notwithstanding s. 380.06, this part, or any planning
883 agreement or plan policy, a landowner or developer who has
884 received approval of a master development-of-regional-impact
885 development order pursuant to s. <u>380.06(20)</u> ~~380.06(21)~~ may apply
886 to implement this order by filing one or more applications to
887 approve a detailed specific area plan pursuant to paragraph
888 (3)(b).
889 Section 5. Subsection (4) of section 189.415, Florida
890 Statutes, is amended to read:
891 189.415 Special district public facilities report.—
892 (4) Those special districts building, improving, or
893 expanding public facilities addressed by a development order
894 issued to the developer pursuant to s. 380.06 may use the most
895 recent annual report required by s. <u>380.06(14)</u> ~~380.06(15)~~ and
896 <u>(17)</u> ~~(18)~~ and submitted by the developer, to the extent the

897 annual report provides the information required by subsection
898 (2).
899 Section 6. Paragraph (a) of subsection (1) of section
900 252.363, Florida Statutes, is amended to read:
901 252.363 Tolling and extension of permits and other
902 authorizations.—
903 (1)(a) The declaration of a state of emergency by the
904 Governor tolls the period remaining to exercise the rights under
905 a permit or other authorization for the duration of the
906 emergency declaration. Further, the emergency declaration
907 extends the period remaining to exercise the rights under a
908 permit or other authorization for 6 months in addition to the
909 tolled period. This paragraph applies to the following:
910 1. The expiration of a development order issued by a local
911 government.
912 2. The expiration of a building permit.
913 3. The expiration of a permit issued by the Department of
914 Environmental Protection or a water management district pursuant
915 to part IV of chapter 373.
916 4. The buildout date of a development of regional impact,
917 including any extension of a buildout date that was previously
918 granted pursuant to s. 380.06(18)(c) ~~380.06(19)(c)~~.
919 Section 7. Subsection (1) of section 369.307, Florida
920 Statutes, is amended to read:
921 369.307 Developments of regional impact in the Wekiva
922 River Protection Area; land acquisition.—
923 (1) Notwithstanding the provisions of s. 380.06(14)
924 ~~380.06(15)~~, the counties shall consider and issue the

925 development permits applicable to a proposed development of
926 regional impact which is located partially or wholly within the
927 Wekiva River Protection Area at the same time as the development
928 order approving, approving with conditions, or denying a
929 development of regional impact.
930 Section 8. Subsection (13) of section 373.414, Florida
931 Statutes, is amended to read:
932 373.414 Additional criteria for activities in surface
933 waters and wetlands.—
934 (13) Any declaratory statement issued by the department
935 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
936 as amended, or pursuant to rules adopted thereunder, or by a
937 water management district under s. 373.421, in response to a
938 petition filed on or before June 1, 1994, shall continue to be
939 valid for the duration of such declaratory statement. Any such
940 petition pending on June 1, 1994, shall be exempt from the
941 methodology ratified in s. 373.4211, but the rules of the
942 department or the relevant water management district, as
943 applicable, in effect prior to the effective date of s.
944 373.4211, shall apply. Until May 1, 1998, activities within the
945 boundaries of an area subject to a petition pending on June 1,
946 1994, and prior to final agency action on such petition, shall
947 be reviewed under the rules adopted pursuant to ss. 403.91-
948 403.929, 1984 Supplement to the Florida Statutes 1983, as
949 amended, and this part, in existence prior to the effective date
950 of the rules adopted under subsection (9), unless the applicant
951 elects to have such activities reviewed under the rules adopted
952 under this part, as amended in accordance with subsection (9).

953 In the event that a jurisdictional declaratory statement
954 pursuant to the vegetative index in effect prior to the
955 effective date of chapter 84-79, Laws of Florida, has been
956 obtained and is valid prior to the effective date of the rules
957 adopted under subsection (9) or July 1, 1994, whichever is
958 later, and the affected lands are part of a project for which a
959 master development order has been issued pursuant to s.
960 380.06(20) ~~380.06(21)~~, the declaratory statement shall remain
961 valid for the duration of the buildout period of the project.
962 Any jurisdictional determination validated by the department
963 pursuant to rule 17-301.400(8), Florida Administrative Code, as
964 it existed in rule 17-4.022, Florida Administrative Code, on
965 April 1, 1985, shall remain in effect for a period of 5 years
966 following the effective date of this act if proof of such
967 validation is submitted to the department prior to January 1,
968 1995. In the event that a jurisdictional determination has been
969 revalidated by the department pursuant to this subsection and
970 the affected lands are part of a project for which a development
971 order has been issued pursuant to s. 380.06(14) ~~380.06(15)~~, a
972 final development order to which s. 163.3167(5) applies has been
973 issued, or a vested rights determination has been issued
974 pursuant to s. 380.06(19) ~~380.06(20)~~, the jurisdictional
975 determination shall remain valid until the completion of the
976 project, provided proof of such validation and documentation
977 establishing that the project meets the requirements of this
978 sentence are submitted to the department prior to January 1,
979 1995. Activities proposed within the boundaries of a valid
980 declaratory statement issued pursuant to a petition submitted to

981 either the department or the relevant water management district
982 on or before June 1, 1994, or a revalidated jurisdictional
983 determination, prior to its expiration shall continue thereafter
984 to be exempt from the methodology ratified in s. 373.4211 and to
985 be reviewed under the rules adopted pursuant to ss. 403.91-
986 403.929, 1984 Supplement to the Florida Statutes 1983, as
987 amended, and this part, in existence prior to the effective date
988 of the rules adopted under subsection (9), unless the applicant
989 elects to have such activities reviewed under the rules adopted
990 under this part, as amended in accordance with subsection (9).
991 Section 9. Paragraph (c) of subsection (5) of section
992 380.061, Florida Statutes, is amended to read:
993 380.061 The Florida Quality Developments program.—
994 (5)
995 (c) At any time prior to the issuance of the Florida
996 Quality Development development order, the developer of a
997 proposed Florida Quality Development shall have the right to
998 withdraw the proposed project from consideration as a Florida
999 Quality Development. The developer may elect to convert the
1000 proposed project to a proposed development of regional impact.
1001 The conversion shall be in the form of a letter to the reviewing
1002 entities stating the developer's intent to seek authorization
1003 for the development as a development of regional impact under s.
1004 380.06. If a proposed Florida Quality Development converts to a
1005 development of regional impact, the developer shall resubmit the
1006 appropriate application and the development shall be subject to
1007 all applicable procedures under s. 380.06, except that:
1008 1. A preapplication conference held under paragraph (a)

1009 satisfies the preapplication procedures requirement under s.
1010 380.06(6) ~~380.06(7)~~; and
1011 2. If requested in the withdrawal letter, a finding of
1012 completeness of the application under paragraph (a) and s.
1013 120.60 may be converted to a finding of sufficiency by the
1014 regional planning council if such a conversion is approved by
1015 the regional planning council.
1016
1017 The regional planning council shall have 30 days to notify the
1018 developer if the request for conversion of completeness to
1019 sufficiency is granted or denied. If granted and the application
1020 is found sufficient, the regional planning council shall notify
1021 the local government that a public hearing date may be set to
1022 consider the development for approval as a development of
1023 regional impact, and the development shall be subject to all
1024 applicable rules, standards, and procedures of s. 380.06. If the
1025 request for conversion of completeness to sufficiency is denied,
1026 the developer shall resubmit the appropriate application for
1027 review and the development shall be subject to all applicable
1028 procedures under s. 380.06, except as otherwise provided in this
1029 paragraph.
1030 Section 10. Paragraph (c) of subsection (4) of section
1031 380.0651, Florida Statutes, is amended to read:
1032 380.0651 Statewide guidelines and standards.—
1033 (4) Two or more developments, represented by their owners
1034 or developers to be separate developments, shall be aggregated
1035 and treated as a single development under this chapter when they
1036 are determined to be part of a unified plan of development and

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1037 are physically proximate to one other.
1038 (c) Aggregation is not applicable when the following
1039 circumstances and provisions of this chapter are applicable:
1040 1. Developments which are otherwise subject to aggregation
1041 with a development of regional impact which has received
1042 approval through the issuance of a final development order shall
1043 not be aggregated with the approved development of regional
1044 impact. However, nothing contained in this subparagraph shall
1045 preclude the state land planning agency from evaluating an
1046 allegedly separate development as a substantial deviation
1047 pursuant to s. 380.06(18) ~~380.06(19)~~ or as an independent
1048 development of regional impact.
1049 2. Two or more developments, each of which is
1050 independently a development of regional impact that has or will
1051 obtain a development order pursuant to s. 380.06.
1052 3. Completion of any development that has been vested
1053 pursuant to s. 380.05 or s. 380.06, including vested rights
1054 arising out of agreements entered into with the state land
1055 planning agency for purposes of resolving vested rights issues.
1056 Development-of-regional-impact review of additions to vested
1057 developments of regional impact shall not include review of the
1058 impacts resulting from the vested portions of the development.
1059 4. The developments sought to be aggregated were
1060 authorized to commence development prior to September 1, 1988,
1061 and could not have been required to be aggregated under the law
1062 existing prior to that date.
1063 Section 11. Paragraph (a) of subsection (2) of section
1064 380.11, Florida Statutes, is amended to read:

1065 380.11 Enforcement; procedures; remedies.—
1066 (2) ADMINISTRATIVE REMEDIES.—
1067 (a) If the state land planning agency has reason to
1068 believe a violation of this part or any rule, development order,
1069 or other order issued hereunder or of any agreement entered into
1070 under s. 380.032(3) or s. <u>380.06(7)</u> ~~380.06(8)~~ has occurred or is
1071 about to occur, it may institute an administrative proceeding
1072 pursuant to this section to prevent, abate, or control the
1073 conditions or activity creating the violation.
1074 Section 12. Subsection (1) of section 380.115, Florida
1075 Statutes, is amended to read:
1076 380.115 Vested rights and duties; effect of size
1077 reduction, changes in guidelines and standards.—
1078 (1) A change in a development-of-regional-impact guideline
1079 and standard does not abridge or modify any vested or other
1080 right or any duty or obligation pursuant to any development
1081 order or agreement that is applicable to a development of
1082 regional impact. A development that has received a development-
1083 of-regional-impact development order pursuant to s. 380.06, but
1084 is no longer required to undergo development-of-regional-impact
1085 review by operation of a change in the guidelines and standards
1086 or has reduced its size below the thresholds in s. 380.0651, or
1087 a development that is exempt pursuant to s. <u>380.06(23) or (28)</u>
1088 ~~380.06(24) or (29)~~ shall be governed by the following
1089 procedures:
1090 (a) The development shall continue to be governed by the
1091 development-of-regional-impact development order and may be
1092 completed in reliance upon and pursuant to the development order

1093 unless the developer or landowner has followed the procedures
1094 for rescission in paragraph (b). Any proposed changes to those
1095 developments which continue to be governed by a development
1096 order shall be approved pursuant to s. 380.06(18) ~~380.06(19)~~ as
1097 it existed before a change in the development-of-regional-impact
1098 guidelines and standards, except that all percentage criteria
1099 shall be doubled and all other criteria shall be increased by 10
1100 percent. The development-of-regional-impact development order
1101 may be enforced by the local government as provided by ss.
1102 380.06(16) ~~380.06(17)~~ and 380.11.
1103 (b) If requested by the developer or landowner, the
1104 development-of-regional-impact development order shall be
1105 rescinded by the local government having jurisdiction upon a
1106 showing that all required mitigation related to the amount of
1107 development that existed on the date of rescission has been
1108 completed or will be completed under an existing permit or
1109 equivalent authorization issued by a governmental agency as
1110 defined in s. 380.031(6), provided such permit or authorization
1111 is subject to enforcement through administrative or judicial
1112 remedies.
1113 Section 13. Paragraph (b) of subsection (2) of section
1114 403.524, Florida Statutes, is amended to read:
1115 403.524 Applicability; certification; exemptions.—
1116 (2) Except as provided in subsection (1), construction of
1117 a transmission line may not be undertaken without first
1118 obtaining certification under this act, but this act does not
1119 apply to:
1120 (b) Transmission lines that have been exempted by a

1121 binding letter of interpretation issued under s. 380.06(3)
1122 ~~380.06(4)~~, or in which the Department of Economic Opportunity or
1123 its predecessor agency has determined the utility to have vested
1124 development rights within the meaning of s. 380.05(18) or s.
1125 380.06(19) ~~380.06(20)~~.
1126 Section 14. This act shall take effect July 1, 2013.
1127