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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
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The Committee on Rules (Diaz de la Portilla) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Delete everything after the enacting clause

4 and insert:

5 Section 1. Subsection (6) is added to section 125.045,

6 Florida Statutes, to read:

7 125.045 County economic development powers.—

8 (6) The governing body of a county may designate specific

9 areas, not to exceed 300 acres, to employ tax increment

10 financing for the purposes of this section. For any tax

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11 increment area created pursuant to this section, the governing
12 body of a county shall administer a separate reserve account for
13 the deposit of tax increment revenues. Tax increment revenues,
14 including the proceeds of any revenue bonds secured by, and
15 repaid with, such tax increment revenues, shall be used to fund
16 economic development activities, as referenced in this section,
17 and infrastructure projects which directly benefit the tax
18 increment area, including traffic, transportation and mobility
19 improvements, water and wastewater facilities, utility and site
20 improvements and environmental protection. The funds may not be
21 used for the construction of buildings used solely for retail
22 purposes within the tax increment area. The tax increment
23 authorized under this section shall be determined annually and
24 shall be the amount equal to a maximum of 95 percent of the
25 difference between:
26 (a) The amount of ad valorem taxes levied each year by the
27 county, exclusive of any amount from any debt service millage,
28 on taxable real property contained within the geographic
29 boundaries of the tax increment area; and
30 (b) The amount of ad valorem taxes which would have been
31 produced by the rate upon which the tax is levied each year by
32 or for the county, exclusive of any debt service millage, upon
33 the total of the assessed value of the taxable real property in
34 the tax increment area, as shown upon the most recent assessment
35 roll used in connection with the taxation of such property by
36 the county, before establishment of the tax increment area.
37 Section 2. Paragraph (c) of subsection (2), paragraph (e)
38 of subsection (5), and paragraph (d) of subsection (7) of
39 section 163.3184, Florida Statutes, are amended to read:

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40 163.3184 Process for adoption of comprehensive plan or plan
41 amendment.—
42 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
43 (c) Plan amendments that are in an area of critical state
44 concern designated pursuant to s. 380.05; propose a rural land
45 stewardship area pursuant to s. 163.3248; propose a sector plan
46 pursuant to s. 163.3245 or an amendment to an adopted sector
47 plan; update a comprehensive plan based on an evaluation and
48 appraisal pursuant to s. 163.3191; propose a development that is
49 subject to the state coordinated review process ~~qualifies as a~~
50 ~~development of regional impact~~ pursuant to s. 380.06; or are new
51 plans for newly incorporated municipalities adopted pursuant to
52 s. 163.3167 must ~~shall~~ follow the state coordinated review
53 process in subsection (4).
54 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
55 AMENDMENTS.—
56 (e) If the administrative law judge recommends that the
57 amendment be found in compliance, the judge shall submit the
58 recommended order to the state land planning agency.
59 1. If the state land planning agency determines that the
60 plan amendment should be found not in compliance, the agency
61 shall make every effort to refer the recommended order and its
62 determination expeditiously to the Administration Commission for
63 final agency action, but at a minimum within the time period
64 provided by s. 120.569.
65 2. If the state land planning agency determines that the
66 plan amendment should be found in compliance, the agency shall
67 make every effort to enter its final order expeditiously, but at
68 a minimum within the time period provided by s. 120.569.

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69 3. The recommended order submitted under this paragraph
70 becomes a final order 90 days after issuance unless the state
71 land planning agency acts as provided in subparagraph 1. or
72 subparagraph 2., or all parties consent in writing to an
73 extension of the 90-day period.
74 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.—
75 (d) For a case following the procedures under this
76 subsection, absent a showing of extraordinary circumstances or
77 written consent of the parties, if the administrative law judge
78 recommends that the amendment be found not in compliance, the
79 Administration Commission shall issue a final order~~, in a case~~
80 ~~proceeding under subsection (5),~~ within 45 days after the
81 issuance of the recommended order~~, unless the parties agree in~~
82 ~~writing to a longer time~~. If the administrative law judge
83 recommends that the amendment be found in compliance, the state
84 land planning agency shall issue a final order within 45 days
85 after the issuance of the recommended order. If the state land
86 planning agency fails to timely issue a final order, the
87 recommended order finding the amendment to be in compliance
88 immediately becomes final.
89 Section 3. Subsection (1) of section 163.3245, Florida
90 Statutes, is amended to read:
91 163.3245 Sector plans.—
92 (1) In recognition of the benefits of long-range planning
93 for specific areas, local governments or combinations of local
94 governments may adopt into their comprehensive plans a sector
95 plan in accordance with this section. This section is intended
96 to promote and encourage long-term planning for conservation,
97 development, and agriculture on a landscape scale; to further

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98 support innovative and flexible planning and development
99 strategies, and the purposes of this part and part I of chapter
100 380; to facilitate protection of regionally significant
101 resources, including, but not limited to, regionally significant
102 water courses and wildlife corridors; and to avoid duplication
103 of effort in terms of the level of data and analysis required
104 for a development of regional impact, while ensuring the
105 adequate mitigation of impacts to applicable regional resources
106 and facilities, including those within the jurisdiction of other
107 local governments, as would otherwise be provided. Sector plans
108 are intended for substantial geographic areas that include at
109 least 5,000 ~~15,000~~ acres of one or more local governmental
110 jurisdictions and are to emphasize urban form and protection of
111 regionally significant resources and public facilities. A sector
112 plan may not be adopted in an area of critical state concern.
113 Section 4. Subsection (2) of section 171.046, Florida
114 Statutes, is amended to read:
115 171.046 Annexation of enclaves.—
116 (2) In order to expedite the annexation of enclaves of 110
117 ~~10~~ acres or less into the most appropriate incorporated
118 jurisdiction, based upon existing or proposed service provision
119 arrangements, a municipality may:
120 (a) Annex an enclave by interlocal agreement with the
121 county having jurisdiction of the enclave; or
122 (b) Annex an enclave with fewer than 25 registered voters
123 by municipal ordinance when the annexation is approved in a
124 referendum by at least 60 percent of the registered voters who
125 reside in the enclave.
126 Section 5. Subsection (5), paragraph (b) of subsection (8),

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127 and subsection (9) of section 380.0555, Florida Statutes, are
128 amended to read:
129 380.0555 Apalachicola Bay Area; protection and designation
130 as area of critical state concern.—
131 (5) APPLICATION OF CHAPTER 380 PROVISIONS.—Section
132 380.05(1)-(5) ~~(6)~~, (8), (9), ~~-~~(12), (15), (17), and (21), shall
133 not apply to the area designated by this act for so long as the
134 designation remains in effect. Except as otherwise provided in
135 this act, s. 380.045 shall not apply to the area designated by
136 this act. All other provisions of this chapter shall apply,
137 including ss. 380.07 and 380.11, except that the “local
138 development regulations” in s. 380.05(13) shall include the
139 regulations set forth in subsection (8) for purposes of s.
140 380.05(13), and the plan or plans submitted pursuant to s.
141 380.05(14) shall be submitted no later than February 1, 1986.
142 All or part of the area designated by this act may be
143 redesignated pursuant to s. 380.05 as if it had been initially
144 designated pursuant to that section.
145 (8) COMPREHENSIVE PLAN ELEMENTS AND LAND DEVELOPMENT
146 REGULATIONS.—
147 (b) *Conflicting regulations.*—In the event of any
148 inconsistency between subparagraph (a)1. and subparagraphs
149 (a)2.-11., subparagraph (a)1. shall control. Further, in the
150 event of any inconsistency between subsection (7) and paragraph
151 (a) of this subsection and a development order issued pursuant
152 to s. 380.06, which has become final prior to June 18, 1985, or
153 between subsection (7) and paragraph (a) and an amendment to a
154 final development order, which amendment has been requested
155 prior to April 2, 1985, the development order or amendment

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156 thereto shall control. However, any modification to paragraph
157 (a) enacted by a local government and approved by the state land
158 planning agency ~~Administration Commission~~ pursuant to subsection
159 (9) may provide whether it shall control over an inconsistent
160 provision of a development order or amendment thereto. A
161 development order or any amendment thereto referred to in this
162 paragraph shall not be subject to approval by the state land
163 planning agency ~~Administration Commission~~ pursuant to subsection
164 (9).
165 (9) MODIFICATION TO PLANS AND REGULATIONS.—Any land
166 development regulation or element of a local comprehensive plan
167 in the Apalachicola Bay Area may be enacted, amended, or
168 rescinded by a local government, but the enactment, amendment,
169 or rescission becomes effective only upon the approval thereof
170 by the state land planning agency ~~Administration Commission~~. The
171 state land planning agency shall review the proposed change to
172 determine if it complies with the principles for guiding
173 development specified in subsection (7) and must approve or
174 reject the requested change as provided in s. 380.05. Further,
175 the state land planning agency, after consulting with the
176 appropriate local government, may, from time to time, recommend
177 the enactment, amendment, or rescission of a land development
178 regulation or element of a comprehensive plan. Within 45 days
179 following the receipt of such recommendation by the state land
180 planning agency or enactment, amendment, or rescission by a
181 local government the commission shall reject the recommendation,
182 enactment, amendment, or rescission or accept it with or without
183 modification and adopt, by rule, any changes. Any such local
184 land development regulation or comprehensive plan or part of

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185 such regulation or plan may be adopted by the commission if it
186 finds that it is in compliance with the principles for guiding
187 development.
188 Section 6. Subsection (14), paragraph (g) of subsection
189 (15), paragraphs (b) and (e) of subsection (19), and subsection
190 (30) of section 380.06, Florida Statutes, are amended to read:
191 380.06 Developments of regional impact.—
192 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If
193 the development is not located in an area of critical state
194 concern, in considering whether the development is ~~shall be~~
195 approved, denied, or approved subject to conditions,
196 restrictions, or limitations, the local government shall
197 consider whether, and the extent to which:
198 (a) The development is consistent with the local
199 comprehensive plan and local land development regulations.~~;~~
200 (b) The development is consistent with the report and
201 recommendations of the regional planning agency submitted
202 pursuant to subsection (12).~~; and~~
203 (c) The development is consistent with the State
204 Comprehensive Plan. In consistency determinations, the plan
205 shall be construed and applied in accordance with s. 187.101(3).
206
207 However, a local government may approve a change to a
208 development authorized as a development of regional impact if
209 the change has the effect of reducing the originally approved
210 height, density, or intensity of the development, and if the
211 revised development would have been consistent with the
212 comprehensive plan in effect when the development was originally
213 approved. If the revised development is approved, the developer

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214 may proceed as provided in s. 163.3167(5).
215 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—
216 (g) A local government may ~~shall~~ not issue a permit ~~permits~~
217 for a development subsequent to the buildout date contained in
218 the development order unless:
219 1. The proposed development has been evaluated cumulatively
220 with existing development under the substantial deviation
221 provisions of subsection (19) after ~~subsequent to~~ the
222 termination or expiration date;
223 2. The proposed development is consistent with an
224 abandonment of development order that has been issued in
225 accordance with ~~the provisions of~~ subsection (26);
226 3. The development of regional impact is essentially built
227 out, in that all the mitigation requirements in the development
228 order have been satisfied, all developers are in compliance with
229 all applicable terms and conditions of the development order
230 except the buildout date, and the amount of proposed development
231 that remains to be built is less than 40 percent of any
232 applicable development-of-regional-impact threshold; or
233 4. The project has been determined to be an essentially
234 built out ~~built-out~~ development of regional impact through an
235 agreement executed by the developer, the state land planning
236 agency, and the local government, in accordance with s. 380.032,
237 which will establish the terms and conditions under which the
238 development may be continued. If the project is determined to be
239 essentially built out, development may proceed pursuant to the
240 s. 380.032 agreement after the termination or expiration date
241 contained in the development order without further development-
242 of-regional-impact review subject to the local government

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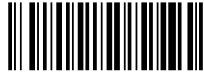
243 comprehensive plan and land development regulations ~~or subject~~
244 ~~to a modified development-of-regional-impact analysis~~. The
245 parties may amend the agreement without submission, review, or
246 approval of a notification of proposed change pursuant to
247 subsection (19). For the purposes of ~~As used in~~ this paragraph,
248 a ~~an "essentially built-out"~~ development of regional impact is
249 essentially built out, if ~~means~~:
250 a. The developers are in compliance with all applicable
251 terms and conditions of the development order except the
252 buildout date or reporting requirements; and
253 b.(I) The amount of development that remains to be built is
254 less than the substantial deviation threshold specified in
255 paragraph (19)(b) for each individual land use category, or, for
256 a multiuse development, the sum total of all unbuilt land uses
257 as a percentage of the applicable substantial deviation
258 threshold is equal to or less than 100 percent; or
259 (II) The state land planning agency and the local
260 government have agreed in writing that the amount of development
261 to be built does not create the likelihood of any additional
262 regional impact not previously reviewed.
263
264 The single-family residential portions of a development may be
265 considered "essentially built out" if all of the workforce
266 housing obligations and all of the infrastructure and horizontal
267 development have been completed, at least 50 percent of the
268 dwelling units have been completed, and more than 80 percent of
269 the lots have been conveyed to third-party individual lot owners
270 or to individual builders who own no more than 40 lots at the
271 time of the determination. The mobile home park portions of a

 810490

272 development may be considered “essentially built out” if all the
273 infrastructure and horizontal development has been completed,
274 and at least 50 percent of the lots are leased to individual
275 mobile home owners. In order to accommodate changing market
276 demands and achieve maximum land use efficiency in an
277 essentially built out project, when a developer is building out
278 a project, a local government, without the concurrence of the
279 state land planning agency, may adopt a resolution authorizing
280 the developer to exchange one approved land use for another
281 approved land use specified in the agreement. Before issuance of
282 a building permit pursuant to an exchange, the developer must
283 demonstrate to the local government that the exchange ratio will
284 not result in a net increase in impacts to public facilities and
285 will meet all applicable requirements of the comprehensive plan
286 and land development code. For developments previously
287 determined to impact strategic intermodal facilities as defined
288 in s. 339.63, the local government shall consult with the
289 Department of Transportation before approving the exchange.
290 (19) SUBSTANTIAL DEVIATIONS.—
291 (b) Any proposed change to a previously approved
292 development of regional impact or development order condition
293 which, either individually or cumulatively with other changes,
294 exceeds any of the ~~following~~ criteria in subparagraphs 1.-11.
295 constitutes ~~shall constitute~~ a substantial deviation and shall
296 cause the development to be subject to further development-of-
297 regional-impact review through the notice of proposed change
298 process under this subsection. ~~without the necessity for a~~
299 ~~finding of same by the local government:~~
300 1. An increase in the number of parking spaces at an

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attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.

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

3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced before ~~prior to~~ the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term “affordable workforce housing” means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median

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330 purchase price of a single-family existing home. For purposes of
331 this subparagraph, the term “statewide median purchase price of
332 a single-family existing home” means the statewide purchase
333 price as determined in the Florida Sales Report, Single-Family
334 Existing Homes, released each January by the Florida Association
335 of Realtors and the University of Florida Real Estate Research
336 Center.
337 6. An increase in commercial development by 60,000 square
338 feet of gross floor area or of parking spaces provided for
339 customers for 425 cars or a 10 percent increase, whichever is
340 greater.
341 7. An increase in a recreational vehicle park area by 10
342 percent or 110 vehicle spaces, whichever is less.
343 8. A decrease in the area set aside for open space of 5
344 percent or 20 acres, whichever is less.
345 9. A proposed increase to an approved multiuse development
346 of regional impact where the sum of the increases of each land
347 use as a percentage of the applicable substantial deviation
348 criteria is equal to or exceeds 110 percent. The percentage of
349 any decrease in the amount of open space shall be treated as an
350 increase for purposes of determining when 110 percent has been
351 reached or exceeded.
352 10. A 15 percent increase in the number of external vehicle
353 trips generated by the development above that which was
354 projected during the original development-of-regional-impact
355 review.
356 11. Any change that would result in development of any area
357 which was specifically set aside in the application for
358 development approval or in the development order for

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359 preservation or special protection of endangered or threatened
360 plants or animals designated as endangered, threatened, or
361 species of special concern and their habitat, any species
362 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
363 archaeological and historical sites designated as significant by
364 the Division of Historical Resources of the Department of State.
365 The refinement of the boundaries and configuration of such areas
366 shall be considered under sub-subparagraph (e)2.j.
367
368 The substantial deviation numerical standards in subparagraphs
369 3., 6., and 9., excluding residential uses, and in subparagraph
370 10., are increased by 100 percent for a project certified under
371 s. 403.973 which creates jobs and meets criteria established by
372 the Department of Economic Opportunity as to its impact on an
373 area's economy, employment, and prevailing wage and skill
374 levels. The substantial deviation numerical standards in
375 subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50
376 percent for a project located wholly within an urban infill and
377 redevelopment area designated on the applicable adopted local
378 comprehensive plan future land use map and not located within
379 the coastal high hazard area.
380 (e)1. Except for a development order rendered pursuant to
381 subsection (22) or subsection (25), a proposed change to a
382 development order which individually or cumulatively with any
383 previous change is less than any numerical criterion contained
384 in subparagraphs (b)1.-10. and does not exceed any other
385 criterion, or which involves an extension of the buildout date
386 of a development, or any phase thereof, of less than 5 years is
387 not subject to the public hearing requirements of subparagraph

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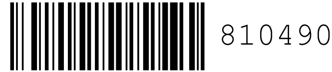
388 (f)3., and is not subject to a determination pursuant to
389 subparagraph (f)5. Notice of the proposed change shall be made
390 to the regional planning council and the state land planning
391 agency. Such notice must include a description of previous
392 individual changes made to the development, including changes
393 previously approved by the local government, and must include
394 appropriate amendments to the development order.
395 2. The following changes, individually or cumulatively with
396 any previous changes, are not substantial deviations:
397 a. Changes in the name of the project, developer, owner, or
398 monitoring official.
399 b. Changes to a setback which do not affect noise buffers,
400 environmental protection or mitigation areas, or archaeological
401 or historical resources.
402 c. Changes to minimum lot sizes.
403 d. Changes in the configuration of internal roads which do
404 not affect external access points.
405 e. Changes to the building design or orientation which stay
406 approximately within the approved area designated for such
407 building and parking lot, and which do not affect historical
408 buildings designated as significant by the Division of
409 Historical Resources of the Department of State.
410 f. Changes to increase the acreage in the development, if
411 no development is proposed on the acreage to be added.
412 g. Changes to eliminate an approved land use, if there are
413 no additional regional impacts.
414 h. Changes required to conform to permits approved by any
415 federal, state, or regional permitting agency, if these changes
416 do not create additional regional impacts.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417 i. Any renovation or redevelopment of development within a
418 previously approved development of regional impact which does
419 not change land use or increase density or intensity of use.
420 j. Changes that modify boundaries and configuration of
421 areas described in subparagraph (b)11. due to science-based
422 refinement of such areas by survey, by habitat evaluation, by
423 other recognized assessment methodology, or by an environmental
424 assessment. In order for changes to qualify under this sub-
425 subparagraph, the survey, habitat evaluation, or assessment must
426 occur before the time that a conservation easement protecting
427 such lands is recorded and must not result in any net decrease
428 in the total acreage of the lands specifically set aside for
429 permanent preservation in the final development order.
430 k. Changes that do not increase the number of external peak
431 hour trips and do not reduce open space and conserved areas
432 within the project except as otherwise permitted by sub-
433 subparagraph j.
434 l. A phase date extension, if the state land planning
435 agency, in consultation with the regional planning council and
436 subject to the written concurrence of the Department of
437 Transportation, agrees that the traffic impact is not
438 significant and adverse under applicable state agency rules.
439 m.~~l.~~ Any other change that the state land planning agency,
440 in consultation with the regional planning council, agrees in
441 writing is similar in nature, impact, or character to the
442 changes enumerated in sub-subparagraphs a.-l. ~~a.-k.~~ and that
443 does not create the likelihood of any additional regional
444 impact.
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This subsection does not require the filing of a notice of proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m. ~~l.~~ and if the agency believes that the change creates a reasonable likelihood of new or additional regional impacts.

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

4. Any submittal of a proposed change to a previously approved development must include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-

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475 regional-impact review.
476 5. The following changes to an approved development of
477 regional impact shall be presumed to create a substantial
478 deviation. Such presumption may be rebutted by clear and
479 convincing evidence:~~.~~
480 a. A change proposed for 15 percent or more of the acreage
481 to a land use not previously approved in the development order.
482 Changes of less than 15 percent shall be presumed not to create
483 a substantial deviation.
484 b. Notwithstanding any provision of paragraph (b) to the
485 contrary, a proposed change consisting of simultaneous increases
486 and decreases of at least two of the uses within an authorized
487 multiuse development of regional impact which was originally
488 approved with three or more uses specified in s. 380.0651(3)(c)
489 and (d) and residential use.
490 6. If a local government agrees to a proposed change, a
491 change in the transportation proportionate share calculation and
492 mitigation plan in an adopted development order as a result of
493 recalculation of the proportionate share contribution meeting
494 the requirements of s. 163.3180(5)(h) in effect as of the date
495 of such change shall be presumed not to create a substantial
496 deviation. For purposes of this subsection, the proposed change
497 in the proportionate share calculation or mitigation plan may
498 not be considered an additional regional transportation impact.
499 (30) ~~NEW~~ PROPOSED DEVELOPMENTS.—A ~~new~~ proposed development
500 otherwise subject to the review requirements of this section
501 shall be approved by a local government pursuant to s.
502 163.3184(4) in lieu of proceeding in accordance with this
503 section. However, if the proposed development is consistent with

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504 the comprehensive plan as provided in s. 163.3194(3)(b), the
505 development is not required to undergo review pursuant to s.
506 163.3184(4) or this section. This subsection does not apply to
507 amendments to a development order governing an existing
508 development of regional impact.
509 Section 7. Paragraph (c) of subsection (4) of section
510 380.0651, Florida Statutes, is amended to read:
511 380.0651 Statewide guidelines and standards.—
512 (4) Two or more developments, represented by their owners
513 or developers to be separate developments, shall be aggregated
514 and treated as a single development under this chapter when they
515 are determined to be part of a unified plan of development and
516 are physically proximate to one other.
517 (c) Aggregation is not applicable when the following
518 circumstances and provisions of this chapter apply ~~are~~
519 ~~applicable~~:
520 1. Developments that ~~which~~ are otherwise subject to
521 aggregation with a development of regional impact which has
522 received approval through the issuance of a final development
523 order may ~~shall~~ not be aggregated with the approved development
524 of regional impact. However, ~~nothing contained in~~ this
525 subparagraph does not ~~shall~~ preclude the state land planning
526 agency from evaluating an allegedly separate development as a
527 substantial deviation pursuant to s. 380.06(19) or as an
528 independent development of regional impact.
529 2. Two or more developments, each of which is independently
530 a development of regional impact that has or will obtain a
531 development order pursuant to s. 380.06.
532 3. Completion of any development that has been vested

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533 pursuant to s. 380.05 or s. 380.06, including vested rights
534 arising out of agreements entered into with the state land
535 planning agency for purposes of resolving vested rights issues.
536 Development-of-regional-impact review of additions to vested
537 developments of regional impact shall not include review of the
538 impacts resulting from the vested portions of the development.
539 4. The developments sought to be aggregated were authorized
540 to commence development before ~~prior to~~ September 1, 1988, and
541 could not have been required to be aggregated under the law
542 existing before ~~prior to~~ that date.
543 5. Any development that qualifies for an exemption under s.
544 380.06(29).
545 6. Newly acquired lands intended for development in
546 coordination with developed and existing development of regional
547 impact are not subject to aggregation if such newly acquired
548 lands comprise an area equal to, or less than, 10 percent of the
549 total acreage subject to an existing development-of-regional-
550 impact development order.
551 Section 8. Subsection (1) of section 380.115, Florida
552 Statutes, is amended to read:
553 380.115 Vested rights and duties; effect of size reduction,
554 changes in guidelines and standards.—
555 (1) A change in a development-of-regional-impact guideline
556 and standard does not abridge or modify any vested or other
557 right or any duty or obligation pursuant to any development
558 order or agreement that is applicable to a development of
559 regional impact. A development that has received a development-
560 of-regional-impact development order pursuant to s. 380.06~~,~~ but
561 is no longer required to undergo development-of-regional-impact

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562 review by operation of a change in the guidelines and standards,
563 a development that ~~or~~ has reduced its size below the thresholds
564 specified in s. 380.0651, ~~or~~ a development that is exempt
565 pursuant to s. 380.06(24) or (29), or a development that elects
566 to rescind the development order are ~~shall be~~ governed by the
567 following procedures:
568 (a) The development shall continue to be governed by the
569 development-of-regional-impact development order and may be
570 completed in reliance upon and pursuant to the development order
571 unless the developer or landowner has followed the procedures
572 for rescission in paragraph (b). Any proposed changes to those
573 developments which continue to be governed by a development
574 order must ~~shall~~ be approved pursuant to s. 380.06(19) as it
575 existed before a change in the development-of-regional-impact
576 guidelines and standards, except that all percentage criteria
577 are ~~shall be~~ doubled and all other criteria are ~~shall be~~
578 increased by 10 percent. The development-of-regional-impact
579 development order may be enforced by the local government as
580 provided in ~~by~~ ss. 380.06(17) and 380.11.
581 (b) If requested by the developer or landowner, the
582 development-of-regional-impact development order shall be
583 rescinded by the local government having jurisdiction upon a
584 showing that all required mitigation related to the amount of
585 development that existed on the date of rescission has been
586 completed or will be completed under an existing permit or
587 equivalent authorization issued by a governmental agency as
588 defined in s. 380.031(6), if ~~provided~~ such permit or
589 authorization is subject to enforcement through administrative
590 or judicial remedies.

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591 Section 9. This act shall take effect July 1, 2016.
592
593 ================= T I T L E A M E N D M E N T ================
594 And the title is amended as follows:
595 Delete everything before the enacting clause
596 and insert:
597 A bill to be entitled
598 An act relating to growth management; amending s.
599 125.045, F.S.; authorizing the governing body of a
600 county to employ tax increment financing in certain
601 areas; requiring the governing body of a county to
602 administer a separate reserve account for tax
603 increment areas for the deposit of tax increment
604 revenues; requiring that tax increment revenues be
605 used to fund only certain activities and projects that
606 directly benefit the tax increment area; specifying
607 requirements for a tax increment; amending s.
608 163.3184, F.S.; specifying that certain developments
609 must follow the state coordinated review process;
610 providing timeframes within which the Division of
611 Administrative Hearings must transmit certain
612 recommended orders to the Administration Commission;
613 establishing deadlines for the state land planning
614 agency to take action on recommended orders relating
615 to certain plan amendments; providing a procedure for
616 issuing a final order if the state land planning
617 agency fails to take action; amending s. 163.3245,
618 F.S.; revising the acreage thresholds for sector
619 plans; amending s. 171.046, F.S.; revising the size of

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620 an enclave that a municipality may annex on an
621 expedited basis; amending s. 380.0555, F.S.; revising
622 the applicability of certain requirements and
623 restrictions relating to areas of critical state
624 concern to the Apalachicola Bay Area; providing that
625 such areas may not be recommended for resignation for
626 a certain time period; specifying that the state land
627 planning agency, rather than the Administration
628 Commission, shall approve modifications to certain
629 local plans and regulations in the Apalachicola Bay
630 Area; providing standards for such review; amending s.
631 380.06, F.S.; authorizing certain changes to approved
632 developments of regional impact; authorizing parties
633 to amend certain development agreements without
634 submittal, review, or approval of a notification of
635 proposed change; revising the meaning of the term
636 "essentially built out" as it relates to such
637 amendments; providing criteria under which one
638 approved land use may be submitted for another
639 approved land use in certain land development
640 agreements under certain circumstances; requiring the
641 local government to consult with the Department of
642 Transportation before approving such exchanges under
643 certain circumstances; specifying that certain
644 proposed changes to certain developments are a
645 substantial deviation; specifying that such
646 developments must undergo further development-of-
647 regional-impact review; providing that certain phase
648 date extensions to amend a development order are not

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649 substantial deviations under certain circumstances;
650 specifying conditions under which certain proposed
651 developments are not required to undergo the state-
652 coordinated review process; amending s. 380.0651,
653 F.S.; providing that lands acquired for development
654 are not subject to aggregation under certain
655 circumstances; amending s. 380.115, F.S.; providing
656 the procedures to be used by a development that elects
657 to rescind a development order; providing an effective
658 date.