

By Senator Diaz de la Portilla

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1                   A bill to be entitled  
2           An act relating to growth management; amending s.  
3           163.3167, F.S.; specifying that persons do not lose  
4           the right to complete developments of regional impact  
5           upon certain changes to those developments; amending  
6           s. 163.3184, F.S.; revising the comprehensive plan  
7           amendments that must follow the state coordinated  
8           review process; establishing deadlines for the state  
9           land planning agency to take action on recommended  
10          orders relating to certain plan amendments; providing  
11          a procedure for issuing a final order if the state  
12          land planning agency fails to take action; amending s.  
13          163.3245, F.S.; decreasing acreage minimums for  
14          application as a sector plan; amending s. 380.06,  
15          F.S.; authorizing specified parties to amend certain  
16          agreements without the submission, review, or approval  
17          of a notification of proposed change when a project  
18          has been essentially built out; authorizing the  
19          exchange of one approved land use for another under  
20          certain conditions; providing that certain conditions  
21          constitute a presumption of a standard deviation  
22          rather than a deviation; establishing the manner by  
23          which such a presumption may be rebutted; revising the  
24          conditions under which such a presumption may be made;  
25          revising requirements related to proposed  
26          developments; specifying certain conditions under  
27          which a proposed development is not required to  
28          undergo review pursuant to the state coordinated  
29          review process; providing an exception; amending s.  
30          380.0651, F.S.; revising the conditions under which  
31          the development of regional impact aggregation  
32          requirements do not apply; amending s. 380.115, F.S.;

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33 establishing procedures relating to rights, duties,  
34 and obligations related to certain development orders  
35 or agreements if a development elects to rescind a  
36 development order; providing an effective date.  
37

38 Be It Enacted by the Legislature of the State of Florida:  
39

40 Section 1. Subsection (5) of section 163.3167, Florida  
41 Statutes, is amended to read:

42 163.3167 Scope of act.—

43 (5) ~~Nothing in~~ This act does not shall limit or modify the  
44 rights of any person to complete any development that has been  
45 authorized as a development of regional impact pursuant to  
46 chapter 380 or who has been issued a final local development  
47 order, provided that ~~and~~ development has commenced and is  
48 continuing in good faith. A person does not lose his or her  
49 right to proceed with a development authorized as a development  
50 of regional impact if a change is made to the development that  
51 only has the effect of reducing height, density, or intensity of  
52 the development from that originally approved.

53 Section 2. Paragraph (c) of subsection (2) and paragraph  
54 (e) of subsection (5) of section 163.3184, Florida Statutes, are  
55 amended to read:

56 163.3184 Process for adoption of comprehensive plan or plan  
57 amendment.—

58 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

59 (c) Plan amendments that are in an area of critical state  
60 concern designated pursuant to s. 380.05; propose a rural land  
61 stewardship area pursuant to s. 163.3248; propose a sector plan

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62 pursuant to s. 163.3245 or an amendment to an adopted sector  
 63 plan; update a comprehensive plan based on an evaluation and  
 64 appraisal pursuant to s. 163.3191; propose a development that is  
 65 subject to the review process under s. 380.06(30) ~~qualifies as a~~  
 66 ~~development of regional impact pursuant to s. 380.06;~~ or are new  
 67 plans for newly incorporated municipalities adopted pursuant to  
 68 s. 163.3167 must ~~shall~~ follow the state coordinated review  
 69 process in subsection (4).

70 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
 71 AMENDMENTS.—

72 (e) If the administrative law judge recommends that the  
 73 amendment be found in compliance, the judge shall submit the  
 74 recommended order to the state land planning agency.

75 1. If the state land planning agency determines that the  
 76 plan amendment should be found not in compliance, the agency  
 77 shall ~~make every effort to~~ refer the recommended order and its  
 78 determination ~~expeditiously~~ to the Administration Commission for  
 79 final agency action within 30 days after the agency receives  
 80 such order, but at a minimum within the time period provided by  
 81 ~~s. 120.569.~~

82 2. If the state land planning agency determines that the  
 83 plan amendment should be found in compliance, the agency shall  
 84 ~~make every effort to~~ enter its final order within 30 days after  
 85 the agency receives the recommended order expeditiously, but at  
 86 ~~a minimum within the time period provided by s. 120.569.~~

87 3. If the state land planning agency fails to comply with  
 88 subparagraph 1. or subparagraph 2., and if written consent has  
 89 not been obtained from all parties to the proceeding to extend  
 90 the period of time within which the state land planning agency

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91 must act, the recommended order:

92 a. If recommending denial of the plan amendment, shall be  
93 transmitted by the Division of Administrative Hearings to the  
94 Administration Commission for final agency action; or

95 b. If recommending a finding that the plan amendment is in  
96 compliance, the order shall be entered as the final order in the  
97 proceeding.

98 Section 3. Subsection (1) of section 163.3245, Florida  
99 Statutes, is amended to read:

100 163.3245 Sector plans.—

101 (1) In recognition of the benefits of long-range planning  
102 for specific areas, local governments or combinations of local  
103 governments may adopt into their comprehensive plans a sector  
104 plan in accordance with this section. This section is intended  
105 to promote and encourage long-term planning for conservation,  
106 development, and agriculture on a landscape scale; to further  
107 support innovative and flexible planning and development  
108 strategies, and the purposes of this part and part I of chapter  
109 380; to facilitate protection of regionally significant  
110 resources, including, but not limited to, regionally significant  
111 water courses and wildlife corridors; and to avoid duplication  
112 of effort in terms of the level of data and analysis required  
113 for a development of regional impact, while ensuring the  
114 adequate mitigation of impacts to applicable regional resources  
115 and facilities, including those within the jurisdiction of other  
116 local governments, as would otherwise be provided. Sector plans  
117 are intended for substantial geographic areas that include at  
118 least 5,000 ~~15,000~~ acres of one or more local governmental  
119 jurisdictions and are to emphasize urban form and protection of

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120 regionally significant resources and public facilities. A sector  
121 plan may not be adopted in an area of critical state concern.

122 Section 4. Paragraph (g) of subsection (15), paragraphs (b)  
123 and (e) of subsection (19), and subsection (30) of section  
124 380.06, Florida Statutes, are amended to read:

125 380.06 Developments of regional impact.—

126 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

127 (g) A local government may ~~shall~~ not issue permits for  
128 development subsequent to the buildout date contained in the  
129 development order unless:

130 1. The proposed development has been evaluated cumulatively  
131 with existing development under the substantial deviation  
132 provisions of subsection (19) subsequent to the termination or  
133 expiration date;

134 2. The proposed development is consistent with an  
135 abandonment of development order that has been issued in  
136 accordance with ~~the provisions of~~ subsection (26);

137 3. The development of regional impact is essentially built  
138 out, in that all the mitigation requirements in the development  
139 order have been satisfied, all developers are in compliance with  
140 all applicable terms and conditions of the development order  
141 except the buildout date, and the amount of proposed development  
142 that remains to be built is less than 40 percent of any  
143 applicable development-of-regional-impact threshold; or

144 4. The project has been determined to be an essentially  
145 built out ~~built-out~~ development of regional impact through an  
146 agreement executed by the developer, the state land planning  
147 agency, and the local government, in accordance with s. 380.032,  
148 which will establish the terms and conditions under which the

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149 development may be continued. If the project is determined to be  
150 essentially built out, development may proceed pursuant to the  
151 s. 380.032 agreement after the termination or expiration date  
152 contained in the development order without further development-  
153 of-regional-impact review subject to the local government  
154 comprehensive plan and land development regulations. The parties  
155 may also amend the agreement without the submission, review, or  
156 approval of a notification of proposed change pursuant to  
157 subsection (19) or subject to a modified development of-  
158 regional-impact analysis. As used in this paragraph, an  
159 “essentially built out ~~built-out~~” development of regional impact  
160 means:

161 a. The developers are in compliance with all applicable  
162 terms and conditions of the development order except the  
163 buildout date; and

164 b.(I) The amount of development that remains to be built is  
165 less than the substantial deviation threshold specified in  
166 paragraph (19)(b) for each individual land use category, or, for  
167 a multiuse development, the sum total of all unbuilt land uses  
168 as a percentage of the applicable substantial deviation  
169 threshold is equal to or less than 100 percent; or

170 (II) The state land planning agency and the local  
171 government have agreed in writing that the amount of development  
172 to be built does not create the likelihood of any additional  
173 regional impact not previously reviewed.

174  
175 The single-family residential portions of a development may be  
176 considered “essentially built out” if all of the workforce  
177 housing obligations and all of the infrastructure and horizontal

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178 development have been completed, at least 50 percent of the  
179 dwelling units have been completed, and more than 80 percent of  
180 the lots have been conveyed to third-party individual lot owners  
181 or to individual builders who own no more than 40 lots at the  
182 time of the determination. The mobile home park portions of a  
183 development may be considered "essentially built out" if all the  
184 infrastructure and horizontal development has been completed,  
185 and at least 50 percent of the lots are leased to individual  
186 mobile home owners. In order to accommodate changing market  
187 demands and achieve maximum land use efficiency in an  
188 essentially built out project, one approved land use may be  
189 exchanged for another approved land use in developing the  
190 unbuilt land uses specified in the agreement. This exchange must  
191 be implemented at a ratio that ensures there is no increase in  
192 net external transportation impacts. Before the issuance of a  
193 building permit pursuant to this exchange, the developer must  
194 demonstrate to the local government that the exchange ratio will  
195 not result in an increase in net external transportation  
196 impacts.

197 (19) SUBSTANTIAL DEVIATIONS.—

198 (b) There is a rebuttable presumption that any proposed  
199 change to a previously approved development of regional impact  
200 or development order condition which, either individually or  
201 cumulatively with other changes, exceeds any of the following  
202 criteria in the following paragraphs creates shall constitute a  
203 substantial deviation. If this presumption is not rebutted, and  
204 shall cause the development shall to be subject to further  
205 development-of-regional-impact review through the notice of  
206 proposed change process under this subsection. without the

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207 ~~necessity for a finding of same by the local government:~~

208 1. An increase in the number of parking spaces at an  
209 attraction or recreational facility by 15 percent or 500 spaces,  
210 whichever is greater, or an increase in the number of spectators  
211 that may be accommodated at such a facility by 15 percent or  
212 1,500 spectators, whichever is greater.

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

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

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

223 5. An increase in the number of dwelling units by 50  
224 percent or 200 units, whichever is greater, provided that 15  
225 percent of the proposed additional dwelling units are dedicated  
226 to affordable workforce housing, subject to a recorded land use  
227 restriction that shall be for a period of not less than 20 years  
228 and that includes resale provisions to ensure long-term  
229 affordability for income-eligible homeowners and renters and  
230 provisions for the workforce housing to be commenced before  
231 ~~prior to~~ the completion of 50 percent of the market rate  
232 dwelling. For purposes of this subparagraph, the term  
233 "affordable workforce housing" means housing that is affordable  
234 to a person who earns less than 120 percent of the area median  
235 income, or less than 140 percent of the area median income if



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236 located in a county in which the median purchase price for a  
237 single-family existing home exceeds the statewide median  
238 purchase price of a single-family existing home. For purposes of  
239 this subparagraph, the term "statewide median purchase price of  
240 a single-family existing home" means the statewide purchase  
241 price as determined in the Florida Sales Report, Single-Family  
242 Existing Homes, released each January by the Florida Association  
243 of Realtors and the University of Florida Real Estate Research  
244 Center.

245 6. An increase in commercial development by 60,000 square  
246 feet of gross floor area or of parking spaces provided for  
247 customers for 425 cars or a 10 percent increase, whichever is  
248 greater.

249 7. An increase in a recreational vehicle park area by 10  
250 percent or 110 vehicle spaces, whichever is less.

251 8. A decrease in the area set aside for open space of 5  
252 percent or 20 acres, whichever is less.

253 9. A proposed increase to an approved multiuse development  
254 of regional impact where the sum of the increases of each land  
255 use as a percentage of the applicable substantial deviation  
256 criteria is equal to or exceeds 110 percent. The percentage of  
257 any decrease in the amount of open space shall be treated as an  
258 increase for purposes of determining when 110 percent has been  
259 reached or exceeded.

260 10. A 15 percent increase in the number of external vehicle  
261 trips generated by the development above that which was  
262 projected during the original development-of-regional-impact  
263 review.

264 11. Any change that would result in development of any area

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265 which was specifically set aside in the application for  
266 development approval or in the development order for  
267 preservation or special protection of endangered or threatened  
268 plants or animals designated as endangered, threatened, or  
269 species of special concern and their habitat, any species  
270 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or  
271 archaeological and historical sites designated as significant by  
272 the Division of Historical Resources of the Department of State.  
273 The refinement of the boundaries and configuration of such areas  
274 shall be considered under sub-subparagraph (e)2.j.

275  
276 The substantial deviation numerical standards in subparagraphs  
277 3., 6., and 9., excluding residential uses, and in subparagraph  
278 10., are increased by 100 percent for a project certified under  
279 s. 403.973 which creates jobs and meets criteria established by  
280 the Department of Economic Opportunity as to its impact on an  
281 area's economy, employment, and prevailing wage and skill  
282 levels. The substantial deviation numerical standards in  
283 subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50  
284 percent for a project located wholly within an urban infill and  
285 redevelopment area designated on the applicable adopted local  
286 comprehensive plan future land use map and not located within  
287 the coastal high hazard area.

288 (e)1. Except for a development order rendered pursuant to  
289 subsection (22) or subsection (25), a proposed change to a  
290 development order which individually or cumulatively with any  
291 previous change is less than any numerical criterion contained  
292 in subparagraphs (b)1.-10. and does not exceed any other  
293 criterion, or which involves an extension of the buildout date

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294 of a development, or any phase thereof, of less than 5 years is  
295 not subject to the public hearing requirements of subparagraph  
296 (f)3., and is not subject to a determination pursuant to  
297 subparagraph (f)5. Notice of the proposed change shall be made  
298 to the regional planning council and the state land planning  
299 agency. Such notice must include a description of previous  
300 individual changes made to the development, including changes  
301 previously approved by the local government, and must include  
302 appropriate amendments to the development order.

303 2. The following changes, individually or cumulatively with  
304 any previous changes, are not substantial deviations:

305 a. Changes in the name of the project, developer, owner, or  
306 monitoring official.

307 b. Changes to a setback which do not affect noise buffers,  
308 environmental protection or mitigation areas, or archaeological  
309 or historical resources.

310 c. Changes to minimum lot sizes.

311 d. Changes in the configuration of internal roads which do  
312 not affect external access points.

313 e. Changes to the building design or orientation which stay  
314 approximately within the approved area designated for such  
315 building and parking lot, and which do not affect historical  
316 buildings designated as significant by the Division of  
317 Historical Resources of the Department of State.

318 f. Changes to increase the acreage in the development, if  
319 no development is proposed on the acreage to be added.

320 g. Changes to eliminate an approved land use, if there are  
321 no additional regional impacts.

322 h. Changes required to conform to permits approved by any

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323 federal, state, or regional permitting agency, if these changes  
324 do not create additional regional impacts.

325 i. Any renovation or redevelopment of development within a  
326 previously approved development of regional impact which does  
327 not change land use or increase density or intensity of use.

328 j. Changes that modify boundaries and configuration of  
329 areas described in subparagraph (b)11. due to science-based  
330 refinement of such areas by survey, by habitat evaluation, by  
331 other recognized assessment methodology, or by an environmental  
332 assessment. In order for changes to qualify under this sub-  
333 subparagraph, the survey, habitat evaluation, or assessment must  
334 occur before the time that a conservation easement protecting  
335 such lands is recorded and must not result in any net decrease  
336 in the total acreage of the lands specifically set aside for  
337 permanent preservation in the final development order.

338 k. Changes that do not increase the number of external peak  
339 hour trips and do not reduce open space and conserved areas  
340 within the project except as otherwise permitted by sub-  
341 subparagraph j.

342 l. A phase date extension, if the state land planning  
343 agency, in consultation with the regional planning council and  
344 with the written concurrence of the Department of  
345 Transportation, agrees that the traffic impact is not  
346 significant and adverse under applicable state agency rules.

347 m. Any other change that the state land planning agency, in  
348 consultation with the regional planning council, agrees in  
349 writing is similar in nature, impact, or character to the  
350 changes enumerated in sub-subparagraphs a.-l. ~~a.-k.~~ and that  
351 does not create the likelihood of any additional regional

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352 impact.

353  
354 This subsection does not require the filing of a notice of  
355 proposed change but requires an application to the local  
356 government to amend the development order in accordance with the  
357 local government's procedures for amendment of a development  
358 order. In accordance with the local government's procedures,  
359 including requirements for notice to the applicant and the  
360 public, the local government shall either deny the application  
361 for amendment or adopt an amendment to the development order  
362 which approves the application with or without conditions.  
363 Following adoption, the local government shall render to the  
364 state land planning agency the amendment to the development  
365 order. The state land planning agency may appeal, pursuant to s.  
366 380.07(3), the amendment to the development order if the  
367 amendment involves sub-subparagraph g., sub-subparagraph h.,  
368 sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m.  
369 ~~sub-subparagraph l.~~ and if the agency believes that the change  
370 creates a reasonable likelihood of new or additional regional  
371 impacts.

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

377 4. Any submittal of a proposed change to a previously  
378 approved development must include a description of individual  
379 changes previously made to the development, including changes  
380 previously approved by the local government. The local

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381 government shall consider the previous and current proposed  
382 changes in deciding whether such changes cumulatively constitute  
383 a substantial deviation requiring further development-of-  
384 regional-impact review.

385 5. The following changes to an approved development of  
386 regional impact shall be presumed to create a substantial  
387 deviation. Such presumption may be rebutted by clear and  
388 convincing evidence.

389 a. A change proposed for 15 percent or more of the acreage  
390 to a land use not previously approved in the development order.  
391 Changes of less than 15 percent shall be presumed not to create  
392 a substantial deviation.

393 b. Notwithstanding any provision of paragraph (b) to the  
394 contrary, a proposed change consisting of simultaneous increases  
395 and decreases of at least two of the uses within an authorized  
396 multiuse development of regional impact which was originally  
397 approved with three or more uses specified in s. 380.0651(3)(c)  
398 and (d) and residential use.

399 6. If a local government agrees to a proposed change, a  
400 change in the transportation proportionate share calculation and  
401 mitigation plan in an adopted development order as a result of  
402 recalculation of the proportionate share contribution meeting  
403 the requirements of s. 163.3180(5)(h) in effect as of the date  
404 of such change shall be presumed not to create a substantial  
405 deviation. For purposes of this subsection, the proposed change  
406 in the proportionate share calculation or mitigation plan may  
407 not be considered an additional regional transportation impact.

408 (30) ~~NEW~~ PROPOSED DEVELOPMENTS.—A ~~new~~ proposed development  
409 otherwise subject to the review requirements of this section

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410 shall be approved by a local government pursuant to s.  
411 163.3184(4) in lieu of proceeding in accordance with this  
412 section. However, if the proposed development is consistent with  
413 the comprehensive plan as provided in s. 163.3194, the  
414 development is not required to undergo review pursuant to s.  
415 163.3184(4) or this section. This subsection does not apply to  
416 amendments to a development order governing an existing  
417 development of regional impact.

418 Section 5. Paragraph (c) of subsection (4) of section  
419 380.0651, Florida Statutes, is amended to read:

420 380.0651 Statewide guidelines and standards.—

421 (4) Two or more developments, represented by their owners  
422 or developers to be separate developments, shall be aggregated  
423 and treated as a single development under this chapter when they  
424 are determined to be part of a unified plan of development and  
425 are physically proximate to one other.

426 (c) Aggregation is not applicable when the following  
427 circumstances and provisions of this chapter are applicable:

428 1. Developments—~~which are otherwise subject to aggregation~~  
429 ~~with a development of regional impact which has received~~  
430 ~~approval through the issuance of a final development order may~~  
431 ~~shall~~ not be aggregated with the approved development of  
432 regional impact. However, ~~nothing contained in~~ this subparagraph  
433 does not shall preclude the state land planning agency from  
434 evaluating an allegedly separate development as a substantial  
435 deviation pursuant to s. 380.06(19) or as an independent  
436 development of regional impact.

437 2. Two or more developments, each of which is independently  
438 a development of regional impact that has or will obtain a

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439 development order pursuant to s. 380.06.

440 3. Completion of any development that has been vested  
441 pursuant to s. 380.05 or s. 380.06, including vested rights  
442 arising out of agreements entered into with the state land  
443 planning agency for purposes of resolving vested rights issues.  
444 Development-of-regional-impact review of additions to vested  
445 developments of regional impact does ~~shall~~ not include review of  
446 the impacts resulting from the vested portions of the  
447 development.

448 4. The developments sought to be aggregated were authorized  
449 to commence development before ~~prior to~~ September 1, 1988, and  
450 could not have been required to be aggregated under the law  
451 existing before ~~prior to~~ that date.

452 5. Any development that qualifies for an exemption under s.  
453 380.06(29).

454 6. Newly acquired lands comprise an area that is less than  
455 or equal to 10 percent of the total acreage that is subject to  
456 the existing development of regional-impact development order,  
457 if these lands were acquired subsequent to the development of an  
458 existing development of regional impact.

459 Section 6. Section 380.115, Florida Statutes, is amended to  
460 read:

461 380.115 Vested rights and duties; effect of size reduction,  
462 changes in guidelines and standards.—

463 (1) A change in a development-of-regional-impact guideline  
464 and standard does not abridge or modify any vested or other  
465 right or any duty or obligation pursuant to any development  
466 order or agreement that is applicable to a development of  
467 regional impact. A development that has received a development-



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468 of-regional-impact development order pursuant to s. 380.06, but  
469 is no longer required to undergo development-of-regional-impact  
470 review by operation of a change in the guidelines and standards;  
471 a development that ~~or~~ has reduced its size below the thresholds  
472 specified in s. 380.0651; ~~or~~ a development that is exempt  
473 pursuant to s. 380.06(24) or (29); or a development that elects  
474 to rescind the development order; shall be governed by the  
475 following procedures:

476 (a) The development shall continue to be governed by the  
477 development-of-regional-impact development order and may be  
478 completed in reliance upon and pursuant to the development order  
479 unless the developer or landowner has followed the procedures  
480 for rescission in paragraph (b). Any proposed changes to those  
481 developments which continue to be governed by a development  
482 order must ~~shall~~ be approved pursuant to s. 380.06(19) as it  
483 existed before a change in the development-of-regional-impact  
484 guidelines and standards, except that all percentage criteria  
485 are ~~shall be~~ doubled and all other criteria are ~~shall be~~  
486 increased by 10 percent. The development-of-regional-impact  
487 development order may be enforced by the local government as  
488 provided in ~~by~~ ss. 380.06(17) and 380.11.

489 (b) If requested by the developer or landowner, the  
490 development-of-regional-impact development order shall be  
491 rescinded by the local government having jurisdiction upon a  
492 showing that all required mitigation related to the amount of  
493 development that existed on the date of rescission has been  
494 completed or will be completed under an existing permit or  
495 equivalent authorization issued by a governmental agency as  
496 defined in s. 380.031(6), if ~~provided~~ such permit or

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497 authorization is subject to enforcement through administrative  
498 or judicial remedies.

499 (2) A development with an application for development  
500 approval pending, pursuant to s. 380.06, on the effective date  
501 of a change to the guidelines and standards, or a notification  
502 of proposed change pending on the effective date of a change to  
503 the guidelines and standards, may elect to continue such review  
504 pursuant to s. 380.06. At the conclusion of the pending review,  
505 including any appeals pursuant to s. 380.07, the resulting  
506 development order is ~~shall be~~ governed by ~~the provisions of~~  
507 subsection (1).

508 (3) A landowner who ~~that~~ has filed an application for a  
509 development-of-regional-impact review before ~~prior to~~ the  
510 adoption of a sector plan pursuant to s. 163.3245 may elect to  
511 have the application reviewed pursuant to s. 380.06. Such review  
512 must be conducted using the, comprehensive plan provisions in  
513 force before ~~prior to~~ adoption of the sector plan, and any  
514 requested comprehensive plan amendments that accompany the  
515 application.

516 Section 7. This act shall take effect upon becoming a law.