

By the Committees on Appropriations; and Community Affairs; and
Senator Lee

576-03808-18

20181244c2

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 165.0615, F.S.; adding a minimum population standard
4 as a criteria that must be met before qualified
5 electors of an independent special district commence a
6 certain municipal conversion proceeding; amending s.
7 380.06, F.S.; revising the statewide guidelines and
8 standards for developments of regional impact;
9 deleting criteria that the Administration Commission
10 is required to consider in adopting its guidelines and
11 standards; revising provisions relating to the
12 application of guidelines and standards; revising
13 provisions relating to variations and thresholds for
14 such guidelines and standards; deleting provisions
15 relating to the issuance of binding letters;
16 specifying that previously issued letters remain valid
17 unless previously expired; specifying the procedure
18 for amending a binding letter of interpretation;
19 specifying that previously issued clearance letters
20 remain valid unless previously expired; deleting
21 provisions relating to authorizations to develop,
22 applications for approval of development, concurrent
23 plan amendments, preapplication procedures,
24 preliminary development agreements, conceptual agency
25 review, application sufficiency, local notice,
26 regional reports, and criteria for the approval of
27 developments inside and outside areas of critical
28 state concern; revising provisions relating to local
29 government development orders; specifying that

576-03808-18

20181244c2

30 amendments to a development order for an approved
31 development may not amend to an earlier date the date
32 before when a development would be subject to
33 downzoning, unit density reduction, or intensity
34 reduction, except under certain conditions; removing a
35 requirement that certain conditions of a development
36 order meet specified criteria; specifying that
37 construction of certain mitigation-of-impact
38 facilities is not subject to competitive bidding or
39 competitive negotiation for selection of a contractor
40 or design professional; removing requirements relating
41 to local government approval of developments of
42 regional impact that do not meet certain requirements;
43 removing a requirement that the Department of Economic
44 Opportunity and other agencies cooperate in preparing
45 certain ordinances; authorizing developers to record
46 notice of certain rescinded development orders;
47 specifying that certain agreements regarding
48 developments that are essentially built out remain
49 valid unless previously expired; deleting requirements
50 for a local government to issue a permit for a
51 development subsequent to the buildout date contained
52 in the development order; specifying that amendments
53 to development orders do not diminish or otherwise
54 alter certain credits for a development order exaction
55 or fee against impact fees, mobility fees, or
56 exactions; deleting a provision relating to the
57 determination of certain credits for impact fees or
58 extractions; deleting a provision exempting a

576-03808-18

20181244c2

59 nongovernmental developer from being required to
60 competitively bid or negotiate construction or design
61 of certain facilities except under certain
62 circumstances; specifying that certain capital
63 contribution front-ending agreements remain valid
64 unless previously expired; deleting a provision
65 relating to local monitoring; revising requirements
66 for developers regarding reporting to local
67 governments and specifying that such reports are not
68 required unless required by a local government with
69 jurisdiction over a development; revising the
70 requirements and procedure for proposed changes to a
71 previously approved development of regional impact and
72 deleting rulemaking requirements relating to such
73 procedure; revising provisions relating to the
74 approval of such changes; specifying that certain
75 extensions previously granted by statute are still
76 valid and not subject to review or modification;
77 deleting provisions relating to determinations as to
78 whether a proposed change is a substantial deviation;
79 deleting provisions relating to comprehensive
80 development-of-regional-impact applications and master
81 plan development orders; specifying that certain
82 agreements that include two or more developments of
83 regional impact which were the subject of a
84 comprehensive development-of-regional-impact
85 application remain valid unless previously expired;
86 deleting provisions relating to downtown development
87 authorities; deleting provisions relating to adoption

576-03808-18

20181244c2

88 of rules by the state land planning agency; deleting
89 statutory exemptions from development-of-regional-
90 impact review; specifying that an approval of an
91 authorized developer for an areawide development of
92 regional impact remains valid unless previously
93 expired; deleting provisions relating to areawide
94 developments of regional impact; deleting an
95 authorization for the state land planning agency to
96 adopt rules relating to abandonment of developments of
97 regional impact; requiring local governments to file a
98 notice of abandonment under certain conditions;
99 deleting an authorization for the state land planning
100 agency to adopt a procedure for filing such notice;
101 requiring a development-of-regional-impact development
102 order to be abandoned by a local government under
103 certain conditions; deleting a provision relating to
104 abandonment of developments of regional impact in
105 certain high-hazard coastal areas; authorizing local
106 governments to approve abandonment of development
107 orders for an approved development under certain
108 conditions; deleting a provision relating to rights,
109 responsibilities, and obligations under a development
110 order; deleting partial exemptions from development-
111 of-regional-impact review; deleting exemptions for
112 dense urban land areas; specifying that proposed
113 developments that exceed the statewide guidelines and
114 standards and that are not otherwise exempt be
115 approved by local governments instead of through
116 specified development-of-regional-impact proceedings;

576-03808-18

20181244c2

117 providing an exception; amending s. 380.061, F.S.;

118 specifying that the Florida Quality Developments

119 program only applies to previously approved

120 developments in the program before the effective date

121 of the act; specifying a process for local governments

122 to adopt a local development order to replace and

123 supersede the development order adopted by the state

124 land planning agency for the Florida Quality

125 Developments; deleting program intent, eligibility

126 requirements, rulemaking authorizations, and

127 application and approval requirements and processes;

128 deleting an appeals process and the Quality

129 Developments Review Board; amending s. 380.0651, F.S.;

130 deleting provisions relating to the superseding of

131 guidelines and standards adopted by the Administration

132 Commission and the publishing of guidelines and

133 standards by the Administration Commission; conforming

134 a provision to changes made by the act; specifying

135 exemptions and partial exemptions from development-of-

136 regional-impact review; deleting provisions relating

137 to determining whether there is a unified plan of

138 development; deleting provisions relating to the

139 circumstances where developments should be aggregated;

140 deleting a provision relating to prospective

141 application of certain provisions; deleting a

142 provision authorizing state land planning agencies to

143 enter into agreements for the joint planning, sharing,

144 or use of specified public infrastructure, facilities,

145 or services by developers; deleting an authorization

576-03808-18

20181244c2

146 for the state land planning agency to adopt rules;
147 amending s. 380.07, F.S.; deleting an authorization
148 for the Florida Land and Water Adjudicatory Commission
149 to adopt rules regarding the requirements for
150 developments of regional impact; revising when a local
151 government must transmit a development order to the
152 state land planning agency, the regional planning
153 agency, and the owner or developer of the property
154 affected by such order; deleting a process for
155 regional planning agencies to undertake appeals of
156 development-of-regional-impact development orders;
157 revising a process for appealing development orders
158 for consistency with a local comprehensive plan to be
159 available only for developments in areas of critical
160 state concern; deleting a procedure regarding certain
161 challenges to development orders relating to
162 developments of regional impact; amending s. 380.115,
163 F.S.; deleting a provision relating to changes in
164 development-of-regional-impact guidelines and
165 standards and the impact of such changes on vested
166 rights, duties, and obligations pursuant to any
167 development order or agreement; requiring local
168 governments to monitor and enforce development orders
169 and prohibiting local governments from issuing
170 permits, approvals, or extensions of services if a
171 developer does not act in substantial compliance with
172 an order; deleting provisions relating to changes in
173 development of regional impact guidelines and
174 standards and their impact on the development approval

576-03808-18

20181244c2

175 process; amending s. 125.68, F.S.; conforming a cross-
176 reference; amending s. 163.3245, F.S.; conforming
177 cross-references; conforming provisions to changes
178 made by the act; revising the circumstances in which
179 applicants who apply for master development approval
180 for an entire planning area must remain subject to a
181 master development order; specifying an exception;
182 deleting a provision relating to the level of review
183 for applications for master development approval;
184 amending s. 163.3246, F.S.; conforming provisions to
185 changes made by the act; conforming cross-references;
186 amending s. 189.08, F.S.; conforming a cross-
187 reference; conforming a provision to changes made by
188 the act; amending s. 190.005, F.S.; conforming cross-
189 references; amending ss. 190.012 and 252.363, F.S.;
190 conforming cross-references; amending s. 369.303,
191 F.S.; conforming a provision to changes made by the
192 act; amending ss. 369.307, 373.236, and 373.414, F.S.;
193 conforming cross-references; amending s. 378.601,
194 F.S.; conforming a provision to changes made by the
195 act; repealing s. 380.065, F.S., relating to a process
196 to allow local governments to request certification to
197 review developments of regional impact that are
198 located within their jurisdictions in lieu of the
199 regional review requirements; amending ss. 380.11 and
200 403.524, F.S.; conforming cross-references; repealing
201 specified rules regarding uniform review of
202 developments of regional impact by the state land
203 planning agency and regional planning agencies;

576-03808-18

20181244c2

204 repealing the rules adopted by the Administration
205 Commission regarding whether two or more developments,
206 represented by their owners or developers to be
207 separate developments, shall be aggregated; providing
208 a directive to the Division of Law Revision and
209 Information; providing an effective date.

210

211 Be It Enacted by the Legislature of the State of Florida:

212

213 Section 1. Subsection (1) of section 165.0615, Florida
214 Statutes, is amended to read:

215 165.0615 Municipal conversion of independent special
216 districts upon elector-initiated and approved referendum.—

217 (1) The qualified electors of an independent special
218 district may commence a municipal conversion proceeding by
219 filing a petition with the governing body of the independent
220 special district proposed to be converted if the district meets
221 all of the following criteria:

222 (a) It was created by special act of the Legislature.

223 (b) It is designated as an improvement district and created
224 pursuant to chapter 298 or is designated as a stewardship
225 district and created pursuant to s. 189.031.

226 (c) Its governing board is elected.

227 (d) Its governing board agrees to the conversion.

228 (e) It provides at least four of the following municipal
229 services: water, sewer, solid waste, drainage, roads,
230 transportation, public works, fire and rescue, street lighting,
231 parks and recreation, or library or cultural facilities.

232 (f) No portion of the district is located within the

576-03808-18

20181244c2

233 jurisdictional limits of a municipality.

234 (g) It meets the minimum population standards specified in
235 s. 165.061(1)(b).

236 Section 2. Section 380.06, Florida Statutes, is amended to
237 read:

238 380.06 Developments of regional impact.—

239 (1) DEFINITION.—The term “development of regional impact,”
240 as used in this section, means any development that ~~which~~,
241 because of its character, magnitude, or location, would have a
242 substantial effect upon the health, safety, or welfare of
243 citizens of more than one county.

244 (2) STATEWIDE GUIDELINES AND STANDARDS.—

245 ~~(a) The statewide guidelines and standards and the~~
246 ~~exemptions specified in s. 380.0651 and the statewide guidelines~~
247 ~~and standards adopted by the Administration Commission and~~
248 ~~codified in chapter 28-24, Florida Administrative Code, must be~~
249 ~~state land planning agency shall recommend to the Administration~~
250 ~~Commission specific statewide guidelines and standards for~~
251 ~~adoption pursuant to this subsection. The Administration~~
252 ~~Commission shall by rule adopt statewide guidelines and~~
253 ~~standards to be used in determining whether particular~~
254 ~~developments are subject to the requirements of subsection (12)~~
255 ~~shall undergo development of regional impact review. The~~
256 ~~statewide guidelines and standards previously adopted by the~~
257 ~~Administration Commission and approved by the Legislature shall~~
258 ~~remain in effect unless revised pursuant to this section or~~
259 ~~superseded or repealed by statute by other provisions of law.~~

260 ~~(b) In adopting its guidelines and standards, the~~
261 ~~Administration Commission shall consider and shall be guided by:~~

576-03808-18

20181244c2

262 ~~1. The extent to which the development would create or~~
263 ~~alleviate environmental problems such as air or water pollution~~
264 ~~or noise.~~

265 ~~2. The amount of pedestrian or vehicular traffic likely to~~
266 ~~be generated.~~

267 ~~3. The number of persons likely to be residents, employees,~~
268 ~~or otherwise present.~~

269 ~~4. The size of the site to be occupied.~~

270 ~~5. The likelihood that additional or subsidiary development~~
271 ~~will be generated.~~

272 ~~6. The extent to which the development would create an~~
273 ~~additional demand for, or additional use of, energy, including~~
274 ~~the energy requirements of subsidiary developments.~~

275 ~~7. The unique qualities of particular areas of the state.~~

276 ~~(c) With regard to the changes in the guidelines and~~
277 ~~standards authorized pursuant to this act, in determining~~
278 ~~whether a proposed development must comply with the review~~
279 ~~requirements of this section, the state land planning agency~~
280 ~~shall apply the guidelines and standards which were in effect~~
281 ~~when the developer received authorization to commence~~
282 ~~development from the local government. If a developer has not~~
283 ~~received authorization to commence development from the local~~
284 ~~government prior to the effective date of new or amended~~
285 ~~guidelines and standards, the new or amended guidelines and~~
286 ~~standards shall apply.~~

287 ~~(d) The statewide guidelines and standards shall be applied~~
288 ~~as follows:~~

289 ~~(a)1. Fixed thresholds.—~~

290 ~~a. A development that is below 100 percent of all numerical~~

576-03808-18

20181244c2

291 thresholds in the statewide guidelines and standards is not
292 subject to subsection (12) ~~is not required to undergo~~
293 ~~development-of-regional-impact review.~~

294 (b)~~b.~~ A development that is at or above 100 ~~120~~ percent of
295 any numerical threshold in the statewide guidelines and
296 standards is subject to subsection (12) ~~shall be required to~~
297 ~~undergo development-of-regional-impact review.~~

298 ~~e.~~ Projects certified under s. ~~403.973~~ which create at
299 least ~~100~~ jobs and meet the criteria of the Department of
300 Economic Opportunity as to their impact on an area's economy,
301 employment, and prevailing wage and skill levels that are at or
302 below ~~100~~ percent of the numerical thresholds for industrial
303 plants, industrial parks, distribution, warehousing or
304 wholesaling facilities, office development or multiuse projects
305 other than residential, as described in s. ~~380.0651(3)(e)~~ and
306 ~~(f)~~ are not required to undergo development-of-regional-impact
307 review.

308 ~~2.~~ Rebuttable presumption. It shall be presumed that a
309 development that is at ~~100~~ percent or between ~~100~~ and ~~120~~
310 percent of a numerical threshold shall be required to undergo
311 development-of-regional-impact review.

312 ~~(c)~~ With respect to residential, hotel, motel, office, and
313 retail developments, the applicable guidelines and standards
314 shall be increased by 50 percent in urban central business
315 districts and regional activity centers of jurisdictions whose
316 local comprehensive plans are in compliance with part II of
317 chapter 163. With respect to multiuse developments, the
318 applicable individual use guidelines and standards for
319 residential, hotel, motel, office, and retail developments and

576-03808-18

20181244c2

320 ~~multiuse guidelines and standards shall be increased by 100~~
321 ~~percent in urban central business districts and regional~~
322 ~~activity centers of jurisdictions whose local comprehensive~~
323 ~~plans are in compliance with part II of chapter 163, if one land~~
324 ~~use of the multiuse development is residential and amounts to~~
325 ~~not less than 35 percent of the jurisdiction's applicable~~
326 ~~residential threshold. With respect to resort or convention~~
327 ~~hotel developments, the applicable guidelines and standards~~
328 ~~shall be increased by 150 percent in urban central business~~
329 ~~districts and regional activity centers of jurisdictions whose~~
330 ~~local comprehensive plans are in compliance with part II of~~
331 ~~chapter 163 and where the increase is specifically for a~~
332 ~~proposed resort or convention hotel located in a county with a~~
333 ~~population greater than 500,000 and the local government~~
334 ~~specifically designates that the proposed resort or convention~~
335 ~~hotel development will serve an existing convention center of~~
336 ~~more than 250,000 gross square feet built before July 1, 1992.~~
337 ~~The applicable guidelines and standards shall be increased by~~
338 ~~150 percent for development in any area designated by the~~
339 ~~Governor as a rural area of opportunity pursuant to s. 288.0656~~
340 ~~during the effectiveness of the designation.~~

341 ~~(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND~~
342 ~~STANDARDS. The state land planning agency, a regional planning~~
343 ~~agency, or a local government may petition the Administration~~
344 ~~Commission to increase or decrease the numerical thresholds of~~
345 ~~any statewide guideline and standard. The state land planning~~
346 ~~agency or the regional planning agency may petition for an~~
347 ~~increase or decrease for a particular local government's~~
348 ~~jurisdiction or a part of a particular jurisdiction. A local~~

576-03808-18

20181244c2

349 ~~government may petition for an increase or decrease within its~~
350 ~~jurisdiction or a part of its jurisdiction. A number of requests~~
351 ~~may be combined in a single petition.~~

352 ~~(a) When a petition is filed, the state land planning~~
353 ~~agency shall have no more than 180 days to prepare and submit to~~
354 ~~the Administration Commission a report and recommendations on~~
355 ~~the proposed variation. The report shall evaluate, and the~~
356 ~~Administration Commission shall consider, the following~~
357 ~~criteria:~~

358 ~~1. Whether the local government has adopted and effectively~~
359 ~~implemented a comprehensive plan that reflects and implements~~
360 ~~the goals and objectives of an adopted state comprehensive plan.~~

361 ~~2. Any applicable policies in an adopted strategic regional~~
362 ~~policy plan.~~

363 ~~3. Whether the local government has adopted and effectively~~
364 ~~implemented both a comprehensive set of land development~~
365 ~~regulations, which regulations shall include a planned unit~~
366 ~~development ordinance, and a capital improvements plan that are~~
367 ~~consistent with the local government comprehensive plan.~~

368 ~~4. Whether the local government has adopted and effectively~~
369 ~~implemented the authority and the fiscal mechanisms for~~
370 ~~requiring developers to meet development order conditions.~~

371 ~~5. Whether the local government has adopted and effectively~~
372 ~~implemented and enforced satisfactory development review~~
373 ~~procedures.~~

374 ~~(b) The affected regional planning agency, adjoining local~~
375 ~~governments, and the local government shall be given a~~
376 ~~reasonable opportunity to submit recommendations to the~~
377 ~~Administration Commission regarding any such proposed~~

576-03808-18

20181244c2

378 ~~variations.~~

379 ~~(c) The Administration Commission shall have authority to~~
380 ~~increase or decrease a threshold in the statewide guidelines and~~
381 ~~standards up to 50 percent above or below the statewide~~
382 ~~presumptive threshold. The commission may from time to time~~
383 ~~reconsider changed thresholds and make additional variations as~~
384 ~~it deems necessary.~~

385 ~~(d) The Administration Commission shall adopt rules setting~~
386 ~~forth the procedures for submission and review of petitions~~
387 ~~filed pursuant to this subsection.~~

388 ~~(e) Variations to guidelines and standards adopted by the~~
389 ~~Administration Commission under this subsection shall be~~
390 ~~transmitted on or before March 1 to the President of the Senate~~
391 ~~and the Speaker of the House of Representatives for presentation~~
392 ~~at the next regular session of the Legislature. Unless approved~~
393 ~~as submitted by general law, the revisions shall not become~~
394 ~~effective.~~

395 ~~(3)-(4) BINDING LETTER.-~~

396 ~~(a) Any binding letter previously issued to a developer by~~
397 ~~the state land planning agency as to ~~If any developer is in~~~~
398 ~~~~doubt~~ whether his or her proposed development must undergo~~
399 ~~development-of-regional-impact review ~~under the guidelines and~~~~
400 ~~~~standards~~, whether his or her rights have vested pursuant to~~
401 ~~subsection (8) ~~(20)~~, or whether a proposed substantial change to~~
402 ~~a development of regional impact concerning which rights had~~
403 ~~previously vested pursuant to subsection (8) ~~(20)~~ would divest~~
404 ~~such rights, remains valid unless it expired on or before the~~
405 ~~effective date of this act ~~the developer may request a~~~~
406 ~~determination from the state land planning agency. The developer~~

576-03808-18

20181244c2

407 ~~or the appropriate local government having jurisdiction may~~
408 ~~request that the state land planning agency determine whether~~
409 ~~the amount of development that remains to be built in an~~
410 ~~approved development of regional impact meets the criteria of~~
411 ~~subparagraph (15)(g)3.~~

412 (b) Upon a request by the developer, a binding letter of
413 interpretation regarding which rights had previously vested in a
414 development of regional impact may be amended by the local
415 government of jurisdiction, based on standards and procedures in
416 the adopted local comprehensive plan or the adopted local land
417 development code, to reflect a change to the plan of development
418 and modification of vested rights, provided that any such
419 amendment to a binding letter of vested rights must be
420 consistent with s. 163.3167(5). Review of a request for an
421 amendment to a binding letter of vested rights may not include a
422 review of the impacts created by previously vested portions of
423 the development ~~Unless a developer waives the requirements of~~
424 ~~this paragraph by agreeing to undergo development of regional-~~
425 ~~impact review pursuant to this section, the state land planning~~
426 ~~agency or local government with jurisdiction over the land on~~
427 ~~which a development is proposed may require a developer to~~
428 ~~obtain a binding letter if the development is at a presumptive~~
429 ~~numerical threshold or up to 20 percent above a numerical~~
430 ~~threshold in the guidelines and standards.~~

431 ~~(c) Any local government may petition the state land~~
432 ~~planning agency to require a developer of a development located~~
433 ~~in an adjacent jurisdiction to obtain a binding letter of~~
434 ~~interpretation. The petition shall contain facts to support a~~
435 ~~finding that the development as proposed is a development of~~

576-03808-18

20181244c2

436 ~~regional impact. This paragraph shall not be construed to grant~~
437 ~~standing to the petitioning local government to initiate an~~
438 ~~administrative or judicial proceeding pursuant to this chapter.~~

439 ~~(d) A request for a binding letter of interpretation shall~~
440 ~~be in writing and in such form and content as prescribed by the~~
441 ~~state land planning agency. Within 15 days of receiving an~~
442 ~~application for a binding letter of interpretation or a~~
443 ~~supplement to a pending application, the state land planning~~
444 ~~agency shall determine and notify the applicant whether the~~
445 ~~information in the application is sufficient to enable the~~
446 ~~agency to issue a binding letter or shall request any additional~~
447 ~~information needed. The applicant shall either provide the~~
448 ~~additional information requested or shall notify the state land~~
449 ~~planning agency in writing that the information will not be~~
450 ~~supplied and the reasons therefor. If the applicant does not~~
451 ~~respond to the request for additional information within 120~~
452 ~~days, the application for a binding letter of interpretation~~
453 ~~shall be deemed to be withdrawn. Within 35 days after~~
454 ~~acknowledging receipt of a sufficient application, or of~~
455 ~~receiving notification that the information will not be~~
456 ~~supplied, the state land planning agency shall issue a binding~~
457 ~~letter of interpretation with respect to the proposed~~
458 ~~development. A binding letter of interpretation issued by the~~
459 ~~state land planning agency shall bind all state, regional, and~~
460 ~~local agencies, as well as the developer.~~

461 ~~(e) In determining whether a proposed substantial change to~~
462 ~~a development of regional impact concerning which rights had~~
463 ~~previously vested pursuant to subsection (20) would divest such~~
464 ~~rights, the state land planning agency shall review the proposed~~

576-03808-18

20181244c2

465 ~~change within the context of:~~

466 ~~1. Criteria specified in paragraph (19) (b);~~

467 ~~2. Its conformance with any adopted state comprehensive~~
 468 ~~plan and any rules of the state land planning agency;~~

469 ~~3. All rights and obligations arising out of the vested~~
 470 ~~status of such development;~~

471 ~~4. Permit conditions or requirements imposed by the~~
 472 ~~Department of Environmental Protection or any water management~~
 473 ~~district created by s. 373.069 or any of their successor~~
 474 ~~agencies or by any appropriate federal regulatory agency; and~~

475 ~~5. Any regional impacts arising from the proposed change.~~

476 ~~(f) If a proposed substantial change to a development of~~
 477 ~~regional impact concerning which rights had previously vested~~
 478 ~~pursuant to subsection (20) would result in reduced regional~~
 479 ~~impacts, the change shall not divest rights to complete the~~
 480 ~~development pursuant to subsection (20). Furthermore, where all~~
 481 ~~or a portion of the development of regional impact for which~~
 482 ~~rights had previously vested pursuant to subsection (20) is~~
 483 ~~demolished and reconstructed within the same approximate~~
 484 ~~footprint of buildings and parking lots, so that any change in~~
 485 ~~the size of the development does not exceed the criteria of~~
 486 ~~paragraph (19) (b), such demolition and reconstruction shall not~~
 487 ~~divest the rights which had vested.~~

488 ~~(c)~~(g) Every binding letter determining that a proposed
 489 development is not a development of regional impact, but not
 490 including binding letters of vested rights or of modification of
 491 vested rights, shall expire and become void unless the plan of
 492 development has been substantially commenced within:

493 1. Three years from October 1, 1985, for binding letters

576-03808-18

20181244c2

494 issued prior to the effective date of this act; or

495 2. Three years from the date of issuance of binding letters
496 issued on or after October 1, 1985.

497 ~~(d)-(h)~~ The expiration date of a binding letter begins,
498 ~~established pursuant to paragraph (g), shall begin~~ to run after
499 final disposition of all administrative and judicial appeals of
500 the binding letter and may be extended by mutual agreement of
501 the state land planning agency, the local government of
502 jurisdiction, and the developer.

503 ~~(e)-(i)~~ ~~In response to an inquiry from a developer or the~~
504 ~~appropriate local government having jurisdiction, the state land~~
505 ~~planning agency may issue~~ An informal determination by the state
506 land planning agency, in the form of a clearance letter as to
507 whether a development is required to undergo development-of-
508 regional-impact review or whether the amount of development that
509 remains to be built in an approved development of regional
510 impact, remains valid unless it expired on or before the
511 effective date of this act ~~meets the criteria of subparagraph~~
512 ~~(15)(g)3. A clearance letter may be based solely on the~~
513 ~~information provided by the developer, and the state land~~
514 ~~planning agency is not required to conduct an investigation of~~
515 ~~that information. If any material information provided by the~~
516 ~~developer is incomplete or inaccurate, the clearance letter is~~
517 ~~not binding upon the state land planning agency. A clearance~~
518 ~~letter does not constitute final agency action.~~

519 ~~(5) AUTHORIZATION TO DEVELOP.—~~

520 ~~(a)1. A developer who is required to undergo development-~~
521 ~~of-regional-impact review may undertake a development of~~
522 ~~regional impact if the development has been approved under the~~

576-03808-18

20181244c2

523 ~~requirements of this section.~~

524 ~~2. If the land on which the development is proposed is~~
525 ~~within an area of critical state concern, the development must~~
526 ~~also be approved under the requirements of s. 380.05.~~

527 ~~(b) State or regional agencies may inquire whether a~~
528 ~~proposed project is undergoing or will be required to undergo~~
529 ~~development-of-regional-impact review. If a project is~~
530 ~~undergoing or will be required to undergo development-of-~~
531 ~~regional-impact review, any state or regional permit necessary~~
532 ~~for the construction or operation of the project that is valid~~
533 ~~for 5 years or less shall take effect, and the period of time~~
534 ~~for which the permit is valid shall begin to run, upon~~
535 ~~expiration of the time allowed for an administrative appeal of~~
536 ~~the development or upon final action following an administrative~~
537 ~~appeal or judicial review, whichever is later. However, if the~~
538 ~~application for development approval is not filed within 18~~
539 ~~months after the issuance of the permit, the time of validity of~~
540 ~~the permit shall be considered to be from the date of issuance~~
541 ~~of the permit. If a project is required to obtain a binding~~
542 ~~letter under subsection (4), any state or regional agency permit~~
543 ~~necessary for the construction or operation of the project that~~
544 ~~is valid for 5 years or less shall take effect, and the period~~
545 ~~of time for which the permit is valid shall begin to run, only~~
546 ~~after the developer obtains a binding letter stating that the~~
547 ~~project is not required to undergo development-of-regional-~~
548 ~~impact review or after the developer obtains a development order~~
549 ~~pursuant to this section.~~

550 ~~(c) Prior to the issuance of a final development order, the~~
551 ~~developer may elect to be bound by the rules adopted pursuant to~~

576-03808-18

20181244c2

552 ~~chapters 373 and 403 in effect when such development order is~~
553 ~~issued. The rules adopted pursuant to chapters 373 and 403 in~~
554 ~~effect at the time such development order is issued shall be~~
555 ~~applicable to all applications for permits pursuant to those~~
556 ~~chapters and which are necessary for and consistent with the~~
557 ~~development authorized in such development order, except that a~~
558 ~~later adopted rule shall be applicable to an application if:~~

559 ~~1. The later adopted rule is determined by the rule-~~
560 ~~adopting agency to be essential to the public health, safety, or~~
561 ~~welfare;~~

562 ~~2. The later adopted rule is adopted pursuant to s.~~
563 ~~403.061(27);~~

564 ~~3. The later adopted rule is being adopted pursuant to a~~
565 ~~subsequently enacted statutorily mandated program;~~

566 ~~4. The later adopted rule is mandated in order for the~~
567 ~~state to maintain delegation of a federal program; or~~

568 ~~5. The later adopted rule is required by state or federal~~
569 ~~law.~~

570 ~~(d) The provision of day care service facilities in~~
571 ~~developments approved pursuant to this section is permissible~~
572 ~~but is not required.~~

573
574 ~~Further, in order for any developer to apply for permits~~
575 ~~pursuant to this provision, the application must be filed within~~
576 ~~5 years from the issuance of the final development order and the~~
577 ~~permit shall not be effective for more than 8 years from the~~
578 ~~issuance of the final development order. Nothing in this~~
579 ~~paragraph shall be construed to alter or change any permitting~~
580 ~~agency's authority to approve permits or to determine applicable~~

576-03808-18

20181244c2

581 ~~criteria for longer periods of time.~~

582 ~~(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT~~
583 ~~PLAN AMENDMENTS.—~~

584 ~~(a) Prior to undertaking any development, a developer that~~
585 ~~is required to undergo development of regional impact review~~
586 ~~shall file an application for development approval with the~~
587 ~~appropriate local government having jurisdiction. The~~
588 ~~application shall contain, in addition to such other matters as~~
589 ~~may be required, a statement that the developer proposes to~~
590 ~~undertake a development of regional impact as required under~~
591 ~~this section.~~

592 ~~(b) Any local government comprehensive plan amendments~~
593 ~~related to a proposed development of regional impact, including~~
594 ~~any changes proposed under subsection (19), may be initiated by~~
595 ~~a local planning agency or the developer and must be considered~~
596 ~~by the local governing body at the same time as the application~~
597 ~~for development approval using the procedures provided for local~~
598 ~~plan amendment in s. 163.3184 and applicable local ordinances,~~
599 ~~without regard to local limits on the frequency of consideration~~
600 ~~of amendments to the local comprehensive plan. This paragraph~~
601 ~~does not require favorable consideration of a plan amendment~~
602 ~~solely because it is related to a development of regional~~
603 ~~impact. The procedure for processing such comprehensive plan~~
604 ~~amendments is as follows:~~

605 ~~1. If a developer seeks a comprehensive plan amendment~~
606 ~~related to a development of regional impact, the developer must~~
607 ~~so notify in writing the regional planning agency, the~~
608 ~~applicable local government, and the state land planning agency~~
609 ~~no later than the date of preapplication conference or the~~

576-03808-18

20181244c2

610 ~~submission of the proposed change under subsection (19).~~

611 ~~2. When filing the application for development approval or~~
612 ~~the proposed change, the developer must include a written~~
613 ~~request for comprehensive plan amendments that would be~~
614 ~~necessitated by the development of regional impact approvals~~
615 ~~sought. That request must include data and analysis upon which~~
616 ~~the applicable local government can determine whether to~~
617 ~~transmit the comprehensive plan amendment pursuant to s.~~
618 ~~163.3184.~~

619 ~~3. The local government must advertise a public hearing on~~
620 ~~the transmittal within 30 days after filing the application for~~
621 ~~development approval or the proposed change and must make a~~
622 ~~determination on the transmittal within 60 days after the~~
623 ~~initial filing unless that time is extended by the developer.~~

624 ~~4. If the local government approves the transmittal,~~
625 ~~procedures set forth in s. 163.3184 must be followed.~~

626 ~~5. Notwithstanding subsection (11) or subsection (19), the~~
627 ~~local government may not hold a public hearing on the~~
628 ~~application for development approval or the proposed change or~~
629 ~~on the comprehensive plan amendments sooner than 30 days after~~
630 ~~reviewing agency comments are due to the local government~~
631 ~~pursuant to s. 163.3184.~~

632 ~~6. The local government must hear both the application for~~
633 ~~development approval or the proposed change and the~~
634 ~~comprehensive plan amendments at the same hearing. However, the~~
635 ~~local government must take action separately on the application~~
636 ~~for development approval or the proposed change and on the~~
637 ~~comprehensive plan amendments.~~

638 ~~7. Thereafter, the appeal process for the local government~~

576-03808-18

20181244c2

639 ~~development order must follow the provisions of s. 380.07, and~~
640 ~~the compliance process for the comprehensive plan amendments~~
641 ~~must follow the provisions of s. 163.3184.~~

642 ~~(7) PREAPPLICATION PROCEDURES.—~~

643 ~~(a) Before filing an application for development approval,~~
644 ~~the developer shall contact the regional planning agency having~~
645 ~~jurisdiction over the proposed development to arrange a~~
646 ~~preapplication conference. Upon the request of the developer or~~
647 ~~the regional planning agency, other affected state and regional~~
648 ~~agencies shall participate in this conference and shall identify~~
649 ~~the types of permits issued by the agencies, the level of~~
650 ~~information required, and the permit issuance procedures as~~
651 ~~applied to the proposed development. The levels of service~~
652 ~~required in the transportation methodology shall be the same~~
653 ~~levels of service used to evaluate concurrency in accordance~~
654 ~~with s. 163.3180. The regional planning agency shall provide the~~
655 ~~developer information about the development of regional impact~~
656 ~~process and the use of preapplication conferences to identify~~
657 ~~issues, coordinate appropriate state and local agency~~
658 ~~requirements, and otherwise promote a proper and efficient~~
659 ~~review of the proposed development. If an agreement is reached~~
660 ~~regarding assumptions and methodology to be used in the~~
661 ~~application for development approval, the reviewing agencies may~~
662 ~~not subsequently object to those assumptions and methodologies~~
663 ~~unless subsequent changes to the project or information obtained~~
664 ~~during the review make those assumptions and methodologies~~
665 ~~inappropriate. The reviewing agencies may make only~~
666 ~~recommendations or comments regarding a proposed development~~
667 ~~which are consistent with the statutes, rules, or adopted local~~

576-03808-18

20181244c2

668 ~~government ordinances that are applicable to developments in the~~
669 ~~jurisdiction where the proposed development is located.~~

670 ~~(b) The regional planning agency shall establish by rule a~~
671 ~~procedure by which a developer may enter into binding written~~
672 ~~agreements with the regional planning agency to eliminate~~
673 ~~questions from the application for development approval when~~
674 ~~those questions are found to be unnecessary for development of~~
675 ~~regional impact review. It is the legislative intent of this~~
676 ~~subsection to encourage reduction of paperwork, to discourage~~
677 ~~unnecessary gathering of data, and to encourage the coordination~~
678 ~~of the development of regional impact review process with~~
679 ~~federal, state, and local environmental reviews when such~~
680 ~~reviews are required by law.~~

681 ~~(c) If the application for development approval is not~~
682 ~~submitted within 1 year after the date of the preapplication~~
683 ~~conference, the regional planning agency, the local government~~
684 ~~having jurisdiction, or the applicant may request that another~~
685 ~~preapplication conference be held.~~

686 ~~(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—~~

687 ~~(a) A developer may enter into a written preliminary~~
688 ~~development agreement with the state land planning agency to~~
689 ~~allow a developer to proceed with a limited amount of the total~~
690 ~~proposed development, subject to all other governmental~~
691 ~~approvals and solely at the developer's own risk, prior to~~
692 ~~issuance of a final development order. All owners of the land in~~
693 ~~the total proposed development shall join the developer as~~
694 ~~parties to the agreement. Each agreement shall include and be~~
695 ~~subject to the following conditions:~~

696 ~~1. The developer shall comply with the preapplication~~

576-03808-18

20181244c2

697 ~~conference requirements pursuant to subsection (7) within 45~~
698 ~~days after the execution of the agreement.~~

699 ~~2. The developer shall file an application for development~~
700 ~~approval for the total proposed development within 3 months~~
701 ~~after execution of the agreement, unless the state land planning~~
702 ~~agency agrees to a different time for good cause shown. Failure~~
703 ~~to timely file an application and to otherwise diligently~~
704 ~~proceed in good faith to obtain a final development order shall~~
705 ~~constitute a breach of the preliminary development agreement.~~

706 ~~3. The agreement shall include maps and legal descriptions~~
707 ~~of both the preliminary development area and the total proposed~~
708 ~~development area and shall specifically describe the preliminary~~
709 ~~development in terms of magnitude and location. The area~~
710 ~~approved for preliminary development must be included in the~~
711 ~~application for development approval and shall be subject to the~~
712 ~~terms and conditions of the final development order.~~

713 ~~4. The preliminary development shall be limited to lands~~
714 ~~that the state land planning agency agrees are suitable for~~
715 ~~development and shall only be allowed in areas where adequate~~
716 ~~public infrastructure exists to accommodate the preliminary~~
717 ~~development, when such development will utilize public~~
718 ~~infrastructure. The developer must also demonstrate that the~~
719 ~~preliminary development will not result in material adverse~~
720 ~~impacts to existing resources or existing or planned facilities.~~

721 ~~5. The preliminary development agreement may allow~~
722 ~~development which is:~~

723 ~~a. Less than 100 percent of any applicable threshold if the~~
724 ~~developer demonstrates that such development is consistent with~~
725 ~~subparagraph 4.; or~~

576-03808-18

20181244c2

726 ~~b. Less than 120 percent of any applicable threshold if the~~
727 ~~developer demonstrates that such development is part of a~~
728 ~~proposed downtown development of regional impact specified in~~
729 ~~subsection (22) or part of any areawide development of regional~~
730 ~~impact specified in subsection (25) and that the development is~~
731 ~~consistent with subparagraph 4.~~

732 ~~6. The developer and owners of the land may not claim~~
733 ~~vested rights, or assert equitable estoppel, arising from the~~
734 ~~agreement or any expenditures or actions taken in reliance on~~
735 ~~the agreement to continue with the total proposed development~~
736 ~~beyond the preliminary development. The agreement shall not~~
737 ~~entitle the developer to a final development order approving the~~
738 ~~total proposed development or to particular conditions in a~~
739 ~~final development order.~~

740 ~~7. The agreement shall not prohibit the regional planning~~
741 ~~agency from reviewing or commenting on any regional issue that~~
742 ~~the regional agency determines should be included in the~~
743 ~~regional agency's report on the application for development~~
744 ~~approval.~~

745 ~~8. The agreement shall include a disclosure by the~~
746 ~~developer and all the owners of the land in the total proposed~~
747 ~~development of all land or development within 5 miles of the~~
748 ~~total proposed development in which they have an interest and~~
749 ~~shall describe such interest.~~

750 ~~9. In the event of a breach of the agreement or failure to~~
751 ~~comply with any condition of the agreement, or if the agreement~~
752 ~~was based on materially inaccurate information, the state land~~
753 ~~planning agency may terminate the agreement or file suit to~~
754 ~~enforce the agreement as provided in this section and s. 380.11,~~

576-03808-18

20181244c2

755 ~~including a suit to enjoin all development.~~

756 ~~10. A notice of the preliminary development agreement shall~~
757 ~~be recorded by the developer in accordance with s. 28.222 with~~
758 ~~the clerk of the circuit court for each county in which land~~
759 ~~covered by the terms of the agreement is located. The notice~~
760 ~~shall include a legal description of the land covered by the~~
761 ~~agreement and shall state the parties to the agreement, the date~~
762 ~~of adoption of the agreement and any subsequent amendments, the~~
763 ~~location where the agreement may be examined, and that the~~
764 ~~agreement constitutes a land development regulation applicable~~
765 ~~to portions of the land covered by the agreement. The provisions~~
766 ~~of the agreement shall inure to the benefit of and be binding~~
767 ~~upon successors and assigns of the parties in the agreement.~~

768 ~~11. Except for those agreements which authorize preliminary~~
769 ~~development for substantial deviations pursuant to subsection~~
770 ~~(19), a developer who no longer wishes to pursue a development~~
771 ~~of regional impact may propose to abandon any preliminary~~
772 ~~development agreement executed after January 1, 1985, including~~
773 ~~those pursuant to s. 380.032(3), provided at the time of~~
774 ~~abandonment:~~

775 ~~a. A final development order under this section has been~~
776 ~~rendered that approves all of the development actually~~
777 ~~constructed; or~~

778 ~~b. The amount of development is less than 100 percent of~~
779 ~~all numerical thresholds of the guidelines and standards, and~~
780 ~~the state land planning agency determines in writing that the~~
781 ~~development to date is in compliance with all applicable local~~
782 ~~regulations and the terms and conditions of the preliminary~~
783 ~~development agreement and otherwise adequately mitigates for the~~

576-03808-18

20181244c2

784 ~~impacts of the development to date.~~

785

786 ~~In either event, when a developer proposes to abandon said~~
787 ~~agreement, the developer shall give written notice and state~~
788 ~~that he or she is no longer proposing a development of regional~~
789 ~~impact and provide adequate documentation that he or she has met~~
790 ~~the criteria for abandonment of the agreement to the state land~~
791 ~~planning agency. Within 30 days of receipt of adequate~~
792 ~~documentation of such notice, the state land planning agency~~
793 ~~shall make its determination as to whether or not the developer~~
794 ~~meets the criteria for abandonment. Once the state land planning~~
795 ~~agency determines that the developer meets the criteria for~~
796 ~~abandonment, the state land planning agency shall issue a notice~~
797 ~~of abandonment which shall be recorded by the developer in~~
798 ~~accordance with s. 28.222 with the clerk of the circuit court~~
799 ~~for each county in which land covered by the terms of the~~
800 ~~agreement is located.~~

801 ~~(b) The state land planning agency may enter into other~~
802 ~~types of agreements to effectuate the provisions of this act as~~
803 ~~provided in s. 380.032.~~

804 ~~(c) The provisions of this subsection shall also be~~
805 ~~available to a developer who chooses to seek development~~
806 ~~approval of a Florida Quality Development pursuant to s.~~
807 ~~380.061.~~

808 ~~(9) CONCEPTUAL AGENCY REVIEW.—~~

809 ~~(a)1. In order to facilitate the planning and preparation~~
810 ~~of permit applications for projects that undergo development of~~
811 ~~regional-impact review, and in order to coordinate the~~
812 ~~information required to issue such permits, a developer may~~

576-03808-18

20181244c2

813 ~~elect to request conceptual agency review under this subsection~~
814 ~~either concurrently with development of regional impact review~~
815 ~~and comprehensive plan amendments, if applicable, or subsequent~~
816 ~~to a preapplication conference held pursuant to subsection (7).~~

817 ~~2. "Conceptual agency review" means general review of the~~
818 ~~proposed location, densities, intensity of use, character, and~~
819 ~~major design features of a proposed development required to~~
820 ~~undergo review under this section for the purpose of considering~~
821 ~~whether these aspects of the proposed development comply with~~
822 ~~the issuing agency's statutes and rules.~~

823 ~~3. Conceptual agency review is a licensing action subject~~
824 ~~to chapter 120, and approval or denial constitutes final agency~~
825 ~~action, except that the 90-day time period specified in s.~~
826 ~~120.60(1) shall be tolled for the agency when the affected~~
827 ~~regional planning agency requests information from the developer~~
828 ~~pursuant to paragraph (10)(b). If proposed agency action on the~~
829 ~~conceptual approval is the subject of a proceeding under ss.~~
830 ~~120.569 and 120.57, final agency action shall be conclusive as~~
831 ~~to any issues actually raised and adjudicated in the proceeding,~~
832 ~~and such issues may not be raised in any subsequent proceeding~~
833 ~~under ss. 120.569 and 120.57 on the proposed development by any~~
834 ~~parties to the prior proceeding.~~

835 ~~4. A conceptual agency review approval shall be valid for~~
836 ~~up to 10 years, unless otherwise provided in a state or regional~~
837 ~~agency rule, and may be reviewed and reissued for additional~~
838 ~~periods of time under procedures established by the agency.~~

839 ~~(b) The Department of Environmental Protection, each water~~
840 ~~management district, and each other state or regional agency~~
841 ~~that requires construction or operation permits shall establish~~

576-03808-18

20181244c2

842 ~~by rule a set of procedures necessary for conceptual agency~~
843 ~~review for the following permitting activities within their~~
844 ~~respective regulatory jurisdictions:~~

845 ~~1. The construction and operation of potential sources of~~
846 ~~water pollution, including industrial wastewater, domestic~~
847 ~~wastewater, and stormwater.~~

848 ~~2. Dredging and filling activities.~~

849 ~~3. The management and storage of surface waters.~~

850 ~~4. The construction and operation of works of the district,~~
851 ~~only if a conceptual agency review approval is requested under~~
852 ~~subparagraph 3.~~

853

854 ~~Any state or regional agency may establish rules for conceptual~~
855 ~~agency review for any other permitting activities within its~~
856 ~~respective regulatory jurisdiction.~~

857 ~~(c)1. Each agency participating in conceptual agency~~
858 ~~reviews shall determine and establish by rule its information~~
859 ~~and application requirements and furnish these requirements to~~
860 ~~the state land planning agency and to any developer seeking~~
861 ~~conceptual agency review under this subsection.~~

862 ~~2. Each agency shall cooperate with the state land planning~~
863 ~~agency to standardize, to the extent possible, review~~
864 ~~procedures, data requirements, and data collection methodologies~~
865 ~~among all participating agencies, consistent with the~~
866 ~~requirements of the statutes that establish the permitting~~
867 ~~programs for each agency.~~

868 ~~(d) At the conclusion of the conceptual agency review, the~~
869 ~~agency shall give notice of its proposed agency action as~~
870 ~~required by s. 120.60(3) and shall forward a copy of the notice~~

576-03808-18

20181244c2

871 ~~to the appropriate regional planning council with a report~~
872 ~~setting out the agency's conclusions on potential development~~
873 ~~impacts and stating whether the agency intends to grant~~
874 ~~conceptual approval, with or without conditions, or to deny~~
875 ~~conceptual approval. If the agency intends to deny conceptual~~
876 ~~approval, the report shall state the reasons therefor. The~~
877 ~~agency may require the developer to publish notice of proposed~~
878 ~~agency action in accordance with s. 403.815.~~

879 ~~(e) An agency's decision to grant conceptual approval shall~~
880 ~~not relieve the developer of the requirement to obtain a permit~~
881 ~~and to meet the standards for issuance of a construction or~~
882 ~~operation permit or to meet the agency's information~~
883 ~~requirements for such a permit. Nevertheless, there shall be a~~
884 ~~rebuttable presumption that the developer is entitled to receive~~
885 ~~a construction or operation permit for an activity for which the~~
886 ~~agency granted conceptual review approval, to the extent that~~
887 ~~the project for which the applicant seeks a permit is in~~
888 ~~accordance with the conceptual approval and with the agency's~~
889 ~~standards and criteria for issuing a construction or operation~~
890 ~~permit. The agency may revoke or appropriately modify a valid~~
891 ~~conceptual approval if the agency shows:~~

892 ~~1. That an applicant or his or her agent has submitted~~
893 ~~materially false or inaccurate information in the application~~
894 ~~for conceptual approval;~~

895 ~~2. That the developer has violated a condition of the~~
896 ~~conceptual approval; or~~

897 ~~3. That the development will cause a violation of the~~
898 ~~agency's applicable laws or rules.~~

899 ~~(f) Nothing contained in this subsection shall modify or~~

576-03808-18

20181244c2

900 ~~abridge the law of vested rights or estoppel.~~

901 ~~(g) Nothing contained in this subsection shall be construed~~
902 ~~to preclude an agency from adopting rules for conceptual review~~
903 ~~for developments which are not developments of regional impact.~~

904 ~~(10) APPLICATION; SUFFICIENCY.—~~

905 ~~(a) When an application for development approval is filed~~
906 ~~with a local government, the developer shall also send copies of~~
907 ~~the application to the appropriate regional planning agency and~~
908 ~~the state land planning agency.~~

909 ~~(b) If a regional planning agency determines that the~~
910 ~~application for development approval is insufficient for the~~
911 ~~agency to discharge its responsibilities under subsection (12),~~
912 ~~it shall provide in writing to the appropriate local government~~
913 ~~and the applicant a statement of any additional information~~
914 ~~desired within 30 days of the receipt of the application by the~~
915 ~~regional planning agency. The applicant may supply the~~
916 ~~information requested by the regional planning agency and shall~~
917 ~~communicate its intention to do so in writing to the appropriate~~
918 ~~local government and the regional planning agency within 5~~
919 ~~working days of the receipt of the statement requesting such~~
920 ~~information, or the applicant shall notify the appropriate local~~
921 ~~government and the regional planning agency in writing that the~~
922 ~~requested information will not be supplied. Within 30 days after~~
923 ~~receipt of such additional information, the regional planning~~
924 ~~agency shall review it and may request only that information~~
925 ~~needed to clarify the additional information or to answer new~~
926 ~~questions raised by, or directly related to, the additional~~
927 ~~information. The regional planning agency may request additional~~
928 ~~information no more than twice, unless the developer waives this~~

576-03808-18

20181244c2

929 ~~limitation. If an applicant does not provide the information~~
930 ~~requested by a regional planning agency within 120 days of its~~
931 ~~request, or within a time agreed upon by the applicant and the~~
932 ~~regional planning agency, the application shall be considered~~
933 ~~withdrawn.~~

934 ~~(c) The regional planning agency shall notify the local~~
935 ~~government that a public hearing date may be set when the~~
936 ~~regional planning agency determines that the application is~~
937 ~~sufficient or when it receives notification from the developer~~
938 ~~that the additional requested information will not be supplied,~~
939 ~~as provided for in paragraph (b).~~

940 ~~(11) LOCAL NOTICE. Upon receipt of the sufficiency~~
941 ~~notification from the regional planning agency required by~~
942 ~~paragraph (10) (c), the appropriate local government shall give~~
943 ~~notice and hold a public hearing on the application in the same~~
944 ~~manner as for a rezoning as provided under the appropriate~~
945 ~~special or local law or ordinance, except that such hearing~~
946 ~~proceedings shall be recorded by tape or a certified court~~
947 ~~reporter and made available for transcription at the expense of~~
948 ~~any interested party. When a development of regional impact is~~
949 ~~proposed within the jurisdiction of more than one local~~
950 ~~government, the local governments, at the request of the~~
951 ~~developer, may hold a joint public hearing. The local government~~
952 ~~shall comply with the following additional requirements:~~

953 ~~(a) The notice of public hearing shall state that the~~
954 ~~proposed development is undergoing a development of regional~~
955 ~~impact review.~~

956 ~~(b) The notice shall be published at least 60 days in~~
957 ~~advance of the hearing and shall specify where the information~~

576-03808-18

20181244c2

958 ~~and reports on the development of regional impact application~~
959 ~~may be reviewed.~~

960 ~~(c) The notice shall be given to the state land planning~~
961 ~~agency, to the applicable regional planning agency, to any state~~
962 ~~or regional permitting agency participating in a conceptual~~
963 ~~agency review process under subsection (9), and to such other~~
964 ~~persons as may have been designated by the state land planning~~
965 ~~agency as entitled to receive such notices.~~

966 ~~(d) A public hearing date shall be set by the appropriate~~
967 ~~local government at the next scheduled meeting. The public~~
968 ~~hearing shall be held no later than 90 days after issuance of~~
969 ~~notice by the regional planning agency that a public hearing may~~
970 ~~be set, unless an extension is requested by the applicant.~~

971 ~~(12) REGIONAL REPORTS.—~~

972 ~~(a) Within 50 days after receipt of the notice of public~~
973 ~~hearing required in paragraph (11)(c), the regional planning~~
974 ~~agency, if one has been designated for the area including the~~
975 ~~local government, shall prepare and submit to the local~~
976 ~~government a report and recommendations on the regional impact~~
977 ~~of the proposed development. In preparing its report and~~
978 ~~recommendations, the regional planning agency shall identify~~
979 ~~regional issues based upon the following review criteria and~~
980 ~~make recommendations to the local government on these regional~~
981 ~~issues, specifically considering whether, and the extent to~~
982 ~~which:~~

983 ~~1. The development will have a favorable or unfavorable~~
984 ~~impact on state or regional resources or facilities identified~~
985 ~~in the applicable state or regional plans. As used in this~~
986 ~~subsection, the term "applicable state plan" means the state~~

576-03808-18

20181244c2

987 ~~comprehensive plan. As used in this subsection, the term~~
988 ~~"applicable regional plan" means an adopted strategic regional~~
989 ~~policy plan.~~

990 ~~2. The development will significantly impact adjacent~~
991 ~~jurisdictions. At the request of the appropriate local~~
992 ~~government, regional planning agencies may also review and~~
993 ~~comment upon issues that affect only the requesting local~~
994 ~~government.~~

995 ~~3. As one of the issues considered in the review in~~
996 ~~subparagraphs 1. and 2., the development will favorably or~~
997 ~~adversely affect the ability of people to find adequate housing~~
998 ~~reasonably accessible to their places of employment if the~~
999 ~~regional planning agency has adopted an affordable housing~~
1000 ~~policy as part of its strategic regional policy plan. The~~
1001 ~~determination should take into account information on factors~~
1002 ~~that are relevant to the availability of reasonably accessible~~
1003 ~~adequate housing. Adequate housing means housing that is~~
1004 ~~available for occupancy and that is not substandard.~~

1005 ~~(b) The regional planning agency report must contain~~
1006 ~~recommendations that are consistent with the standards required~~
1007 ~~by the applicable state permitting agencies or the water~~
1008 ~~management district.~~

1009 ~~(c) At the request of the regional planning agency, other~~
1010 ~~appropriate agencies shall review the proposed development and~~
1011 ~~shall prepare reports and recommendations on issues that are~~
1012 ~~clearly within the jurisdiction of those agencies. Such agency~~
1013 ~~reports shall become part of the regional planning agency~~
1014 ~~report; however, the regional planning agency may attach~~
1015 ~~dissenting views. When water management district and Department~~

576-03808-18

20181244c2

1016 of Environmental Protection permits have been issued pursuant to
1017 chapter 373 or chapter 403, the regional planning council may
1018 comment on the regional implications of the permits but may not
1019 offer conflicting recommendations.

1020 (d) The regional planning agency shall afford the developer
1021 or any substantially affected party reasonable opportunity to
1022 present evidence to the regional planning agency head relating
1023 to the proposed regional agency report and recommendations.

1024 (e) If the location of a proposed development involves land
1025 within the boundaries of multiple regional planning councils,
1026 the state land planning agency shall designate a lead regional
1027 planning council. The lead regional planning council shall
1028 prepare the regional report.

1029 (13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN. If the
1030 development is in an area of critical state concern, the local
1031 government shall approve it only if it complies with the land
1032 development regulations therefor under s. 380.05 and the
1033 provisions of this section. The provisions of this section shall
1034 not apply to developments in areas of critical state concern
1035 which had pending applications and had been noticed or agendaed
1036 by local government after September 1, 1985, and before October
1037 1, 1985, for development order approval. In all such cases, the
1038 state land planning agency may consider and address applicable
1039 regional issues contained in subsection (12) as part of its
1040 area of critical state concern review pursuant to ss. 380.05,
1041 380.07, and 380.11.

1042 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN. If
1043 the development is not located in an area of critical state
1044 concern, in considering whether the development is approved,

576-03808-18

20181244c2

1045 ~~denied, or approved subject to conditions, restrictions, or~~
1046 ~~limitations, the local government shall consider whether, and~~
1047 ~~the extent to which:~~

1048 ~~(a) The development is consistent with the local~~
1049 ~~comprehensive plan and local land development regulations.~~

1050 ~~(b) The development is consistent with the report and~~
1051 ~~recommendations of the regional planning agency submitted~~
1052 ~~pursuant to subsection (12).~~

1053 ~~(c) The development is consistent with the State~~
1054 ~~Comprehensive Plan. In consistency determinations, the plan~~
1055 ~~shall be construed and applied in accordance with s. 187.101(3).~~

1056
1057 ~~However, a local government may approve a change to a~~
1058 ~~development authorized as a development of regional impact if~~
1059 ~~the change has the effect of reducing the originally approved~~
1060 ~~height, density, or intensity of the development and if the~~
1061 ~~revised development would have been consistent with the~~
1062 ~~comprehensive plan in effect when the development was originally~~
1063 ~~approved. If the revised development is approved, the developer~~
1064 ~~may proceed as provided in s. 163.3167(5).~~

1065 ~~(4)(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.-~~

1066 ~~(a) Notwithstanding any provision of any adopted local~~
1067 ~~comprehensive plan or adopted local government land development~~
1068 ~~regulation to the contrary, an amendment to a development order~~
1069 ~~for an approved development of regional impact adopted pursuant~~
1070 ~~to subsection (7) may not amend to an earlier date the~~
1071 ~~appropriate local government shall render a decision on the~~
1072 ~~application within 30 days after the hearing unless an extension~~
1073 ~~is requested by the developer.~~

576-03808-18

20181244c2

1074 ~~(b) When possible, local governments shall issue~~
1075 ~~development orders concurrently with any other local permits or~~
1076 ~~development approvals that may be applicable to the proposed~~
1077 ~~development.~~

1078 ~~(c) The development order shall include findings of fact~~
1079 ~~and conclusions of law consistent with subsections (13) and~~
1080 ~~(14). The development order:~~

1081 ~~1. Shall specify the monitoring procedures and the local~~
1082 ~~official responsible for assuring compliance by the developer~~
1083 ~~with the development order.~~

1084 ~~2. Shall establish compliance dates for the development~~
1085 ~~order, including a deadline for commencing physical development~~
1086 ~~and for compliance with conditions of approval or phasing~~
1087 ~~requirements, and shall include a buildout date that reasonably~~
1088 ~~reflects the time anticipated to complete the development.~~

1089 ~~3. Shall establish a date until when which the local~~
1090 ~~government agrees that the approved development of regional~~
1091 ~~impact will shall not be subject to downzoning, unit density~~
1092 ~~reduction, or intensity reduction, unless the local government~~
1093 ~~can demonstrate that substantial changes in the conditions~~
1094 ~~underlying the approval of the development order have occurred~~
1095 ~~or the development order was based on substantially inaccurate~~
1096 ~~information provided by the developer or that the change is~~
1097 ~~clearly established by local government to be essential to the~~
1098 ~~public health, safety, or welfare. The date established pursuant~~
1099 ~~to this paragraph may not be subparagraph shall be no sooner~~
1100 ~~than the buildout date of the project.~~

1101 ~~4. Shall specify the requirements for the biennial report~~
1102 ~~designated under subsection (18), including the date of~~

576-03808-18

20181244c2

1103 ~~submission, parties to whom the report is submitted, and~~
1104 ~~contents of the report, based upon the rules adopted by the~~
1105 ~~state land planning agency. Such rules shall specify the scope~~
1106 ~~of any additional local requirements that may be necessary for~~
1107 ~~the report.~~

1108 ~~5. May specify the types of changes to the development~~
1109 ~~which shall require submission for a substantial deviation~~
1110 ~~determination or a notice of proposed change under subsection~~
1111 ~~(19).~~

1112 ~~6. Shall include a legal description of the property.~~

1113 ~~(d) Conditions of a development order that require a~~
1114 ~~developer to contribute land for a public facility or construct,~~
1115 ~~expand, or pay for land acquisition or construction or expansion~~
1116 ~~of a public facility, or portion thereof, shall meet the~~
1117 ~~following criteria:~~

1118 ~~1. The need to construct new facilities or add to the~~
1119 ~~present system of public facilities must be reasonably~~
1120 ~~attributable to the proposed development.~~

1121 ~~2. Any contribution of funds, land, or public facilities~~
1122 ~~required from the developer shall be comparable to the amount of~~
1123 ~~funds, land, or public facilities that the state or the local~~
1124 ~~government would reasonably expect to expend or provide, based~~
1125 ~~on projected costs of comparable projects, to mitigate the~~
1126 ~~impacts reasonably attributable to the proposed development.~~

1127 ~~3. Any funds or lands contributed must be expressly~~
1128 ~~designated and used to mitigate impacts reasonably attributable~~
1129 ~~to the proposed development.~~

1130 ~~4. Construction or expansion of a public facility by a~~
1131 ~~nongovernmental developer as a condition of a development order~~

576-03808-18

20181244c2

1132 ~~to mitigate the impacts reasonably attributable to the proposed~~
1133 ~~development is not subject to competitive bidding or competitive~~
1134 ~~negotiation for selection of a contractor or design professional~~
1135 ~~for any part of the construction or design.~~

1136 (b) ~~(e)~~ 1. A local government may ~~shall~~ not include, as a
1137 development order condition for a development of regional
1138 impact, any requirement that a developer contribute or pay for
1139 land acquisition or construction or expansion of public
1140 facilities or portions thereof unless the local government has
1141 enacted a local ordinance which requires other development not
1142 subject to this section to contribute its proportionate share of
1143 the funds, land, or public facilities necessary to accommodate
1144 any impacts having a rational nexus to the proposed development,
1145 and the need to construct new facilities or add to the present
1146 system of public facilities must be reasonably attributable to
1147 the proposed development.

1148 2. Selection of a contractor or design professional for any
1149 aspect of construction or design related to the construction or
1150 expansion of a public facility by a nongovernmental developer
1151 which is undertaken as a condition of a development order to
1152 mitigate the impacts reasonably attributable to the proposed
1153 development is not subject to competitive bidding or competitive
1154 negotiation ~~A local government shall not approve a development~~
1155 ~~of regional impact that does not make adequate provision for the~~
1156 ~~public facilities needed to accommodate the impacts of the~~
1157 ~~proposed development unless the local government includes in the~~
1158 ~~development order a commitment by the local government to~~
1159 ~~provide these facilities consistently with the development~~
1160 ~~schedule approved in the development order; however, a local~~

576-03808-18

20181244c2

1161 ~~government's failure to meet the requirements of subparagraph 1.~~
1162 ~~and this subparagraph shall not preclude the issuance of a~~
1163 ~~development order where adequate provision is made by the~~
1164 ~~developer for the public facilities needed to accommodate the~~
1165 ~~impacts of the proposed development. Any funds or lands~~
1166 ~~contributed by a developer must be expressly designated and used~~
1167 ~~to accommodate impacts reasonably attributable to the proposed~~
1168 ~~development.~~

1169 ~~3. The Department of Economic Opportunity and other state~~
1170 ~~and regional agencies involved in the administration and~~
1171 ~~implementation of this act shall cooperate and work with units~~
1172 ~~of local government in preparing and adopting local impact fee~~
1173 ~~and other contribution ordinances.~~

1174 ~~(c)(f)~~ Notice of the adoption of an amendment ~~a development~~
1175 ~~order or the subsequent amendments~~ to an adopted development
1176 order shall be recorded by the developer, in accordance with s.
1177 28.222, with the clerk of the circuit court for each county in
1178 which the development is located. The notice shall include a
1179 legal description of the property covered by the order and shall
1180 state which unit of local government adopted the development
1181 order, the date of adoption, the date of adoption of any
1182 amendments to the development order, the location where the
1183 adopted order with any amendments may be examined, and that the
1184 development order constitutes a land development regulation
1185 applicable to the property. The recording of this notice does
1186 ~~shall~~ not constitute a lien, cloud, or encumbrance on real
1187 property, or actual or constructive notice of any such lien,
1188 cloud, or encumbrance. This paragraph applies only to
1189 developments initially approved under this section after July 1,

576-03808-18

20181244c2

1190 1980. If the local government of jurisdiction rescinds a
1191 development order for an approved development of regional impact
1192 pursuant to s. 380.115, the developer may record notice of the
1193 rescission.

1194 (d)(g) Any agreement entered into by the state land
1195 planning agency, the developer, and the A local government with
1196 respect to an approved development of regional impact previously
1197 classified as essentially built out, or any other official
1198 determination that an approved development of regional impact is
1199 essentially built out, remains valid unless it expired on or
1200 before the effective date of this act. may not issue a permit
1201 for a development subsequent to the buildout date contained in
1202 the development order unless:

1203 1. The proposed development has been evaluated cumulatively
1204 with existing development under the substantial deviation
1205 provisions of subsection (19) after the termination or
1206 expiration date;

1207 2. The proposed development is consistent with an
1208 abandonment of development order that has been issued in
1209 accordance with subsection (26);

1210 3. The development of regional impact is essentially built
1211 out, in that all the mitigation requirements in the development
1212 order have been satisfied, all developers are in compliance with
1213 all applicable terms and conditions of the development order
1214 except the buildout date, and the amount of proposed development
1215 that remains to be built is less than 40 percent of any
1216 applicable development of regional impact threshold; or

1217 4. The project has been determined to be an essentially
1218 built out development of regional impact through an agreement

576-03808-18

20181244c2

1219 ~~executed by the developer, the state land planning agency, and~~
1220 ~~the local government, in accordance with s. 380.032, which will~~
1221 ~~establish the terms and conditions under which the development~~
1222 ~~may be continued. If the project is determined to be essentially~~
1223 ~~built out, development may proceed pursuant to the s. 380.032~~
1224 ~~agreement after the termination or expiration date contained in~~
1225 ~~the development order without further development of regional-~~
1226 ~~impact review subject to the local government comprehensive plan~~
1227 ~~and land development regulations. The parties may amend the~~
1228 ~~agreement without submission, review, or approval of a~~
1229 ~~notification of proposed change pursuant to subsection (19). For~~
1230 ~~the purposes of this paragraph, a development of regional impact~~
1231 ~~is considered essentially built out, if:~~

1232 ~~a. The developers are in compliance with all applicable~~
1233 ~~terms and conditions of the development order except the~~
1234 ~~buildout date or reporting requirements; and~~

1235 ~~b. (I) The amount of development that remains to be built is~~
1236 ~~less than the substantial deviation threshold specified in~~
1237 ~~paragraph (19) (b) for each individual land use category, or, for~~
1238 ~~a multiuse development, the sum total of all unbuilt land uses~~
1239 ~~as a percentage of the applicable substantial deviation~~
1240 ~~threshold is equal to or less than 100 percent; or~~

1241 ~~(II) The state land planning agency and the local~~
1242 ~~government have agreed in writing that the amount of development~~
1243 ~~to be built does not create the likelihood of any additional~~
1244 ~~regional impact not previously reviewed.~~

1245
1246 ~~The single-family residential portions of a development may be~~
1247 ~~considered essentially built out if all of the workforce housing~~

576-03808-18

20181244c2

1248 ~~obligations and all of the infrastructure and horizontal~~
1249 ~~development have been completed, at least 50 percent of the~~
1250 ~~dwelling units have been completed, and more than 80 percent of~~
1251 ~~the lots have been conveyed to third party individual lot owners~~
1252 ~~or to individual builders who own no more than 40 lots at the~~
1253 ~~time of the determination. The mobile home park portions of a~~
1254 ~~development may be considered essentially built out if all the~~
1255 ~~infrastructure and horizontal development has been completed,~~
1256 ~~and at least 50 percent of the lots are leased to individual~~
1257 ~~mobile home owners. In order to accommodate changing market~~
1258 ~~demands and achieve maximum land use efficiency in an~~
1259 ~~essentially built out project, when a developer is building out~~
1260 ~~a project, a local government, without the concurrence of the~~
1261 ~~state land planning agency, may adopt a resolution authorizing~~
1262 ~~the developer to exchange one approved land use for another~~
1263 ~~approved land use as specified in the agreement. Before the~~
1264 ~~issuance of a building permit pursuant to an exchange, the~~
1265 ~~developer must demonstrate to the local government that the~~
1266 ~~exchange ratio will not result in a net increase in impacts to~~
1267 ~~public facilities and will meet all applicable requirements of~~
1268 ~~the comprehensive plan and land development code. For~~
1269 ~~developments previously determined to impact strategic~~
1270 ~~intermodal facilities as defined in s. 339.63, the local~~
1271 ~~government shall consult with the Department of Transportation~~
1272 ~~before approving the exchange.~~

1273 ~~(h) If the property is annexed by another local~~
1274 ~~jurisdiction, the annexing jurisdiction shall adopt a new~~
1275 ~~development order that incorporates all previous rights and~~
1276 ~~obligations specified in the prior development order.~~

576-03808-18

20181244c2

1277 (5)~~(16)~~ CREDITS AGAINST LOCAL IMPACT FEES.—

1278 (a) Notwithstanding any provision of an adopted local

1279 comprehensive plan or adopted local government land development

1280 regulations to the contrary, the adoption of an amendment to a

1281 development order for an approved development of regional impact

1282 pursuant to subsection (7) does not diminish or otherwise alter

1283 any credits for a development order exaction or fee as against

1284 impact fees, mobility fees, or exactions when such credits are

1285 based upon the developer's contribution of land or a public

1286 facility or the construction, expansion, or payment for land

1287 acquisition or construction or expansion of a public facility,

1288 or a portion thereof ~~If the development order requires the~~

1289 ~~developer to contribute land or a public facility or construct,~~

1290 ~~expand, or pay for land acquisition or construction or expansion~~

1291 ~~of a public facility, or portion thereof, and the developer is~~

1292 ~~also subject by local ordinance to impact fees or exactions to~~

1293 ~~meet the same needs, the local government shall establish and~~

1294 ~~implement a procedure that credits a development order exaction~~

1295 ~~or fee toward an impact fee or exaction imposed by local~~

1296 ~~ordinance for the same need; however, if the Florida Land and~~

1297 ~~Water Adjudicatory Commission imposes any additional~~

1298 ~~requirement, the local government shall not be required to grant~~

1299 ~~a credit toward the local exaction or impact fee unless the~~

1300 ~~local government determines that such required contribution,~~

1301 ~~payment, or construction meets the same need that the local~~

1302 ~~exaction or impact fee would address. The nongovernmental~~

1303 ~~developer need not be required, by virtue of this credit, to~~

1304 ~~competitively bid or negotiate any part of the construction or~~

1305 ~~design of the facility, unless otherwise requested by the local~~

576-03808-18

20181244c2

1306 government.

1307 (b) If the local government imposes or increases an impact
1308 fee, mobility fee, or exaction by local ordinance after a
1309 development order has been issued, the developer may petition
1310 the local government, and the local government shall modify the
1311 affected provisions of the development order to give the
1312 developer credit for any contribution of land for a public
1313 facility, or construction, expansion, or contribution of funds
1314 for land acquisition or construction or expansion of a public
1315 facility, or a portion thereof, required by the development
1316 order toward an impact fee or exaction for the same need.

1317 (c) ~~Any The local government and the developer may enter~~
1318 ~~into~~ capital contribution front-ending agreement entered into by
1319 a local government and a developer which is still in effect as
1320 of the effective date of this act agreements as part of a
1321 development-of-regional-impact development order to reimburse
1322 the developer, or the developer's successor, for voluntary
1323 contributions paid in excess of his or her fair share remains
1324 valid.

1325 (d) This subsection does not apply to internal, onsite
1326 facilities required by local regulations or to any offsite
1327 facilities to the extent that such facilities are necessary to
1328 provide safe and adequate services to the development.

1329 ~~(17) LOCAL MONITORING. The local government issuing the~~
1330 ~~development order is primarily responsible for monitoring the~~
1331 ~~development and enforcing the provisions of the development~~
1332 ~~order. Local governments shall not issue any permits or~~
1333 ~~approvals or provide any extensions of services if the developer~~
1334 ~~fails to act in substantial compliance with the development~~

576-03808-18

20181244c2

1335 ~~order.~~

1336 (6) ~~(18)~~ BIENNIAL REPORTS. Notwithstanding any condition in
1337 a development order for an approved development of regional
1338 impact, the developer is not required to ~~shall~~ submit an annual
1339 or a biennial report on the development of regional impact to
1340 the local government, the regional planning agency, the state
1341 land planning agency, and all affected permit agencies in
1342 alternate years on the date specified in the development order,
1343 unless required to do so by the local government that has
1344 jurisdiction over the development. The penalty for failure to
1345 file such a required report is as prescribed by the local
1346 government development order by its terms requires more frequent
1347 monitoring. If the report is not received, the state land
1348 planning agency shall notify the local government. If the local
1349 government does not receive the report or receives notification
1350 that the state land planning agency has not received the report,
1351 the local government shall request in writing that the developer
1352 submit the report within 30 days. The failure to submit the
1353 report after 30 days shall result in the temporary suspension of
1354 the development order by the local government. If no additional
1355 development pursuant to the development order has occurred since
1356 the submission of the previous report, then a letter from the
1357 developer stating that no development has occurred shall satisfy
1358 the requirement for a report. Development orders that require
1359 annual reports may be amended to require biennial reports at the
1360 option of the local government.

1361 (7) ~~(19)~~ CHANGES SUBSTANTIAL DEVIATIONS.

1362 (a) Notwithstanding any provision to the contrary in any
1363 development order, agreement, local comprehensive plan, or local

576-03808-18

20181244c2

1364 land development regulation, any proposed change to a previously
1365 approved development of regional impact must be reviewed by the
1366 local government based on the standards and procedures in its
1367 adopted local comprehensive plan and adopted local land
1368 development regulations, including, but not limited to,
1369 procedures for notice to the applicant and the public regarding
1370 the issuance of development orders. However, a change to a
1371 development of regional impact that has the effect of reducing
1372 the originally approved height, density, or intensity of the
1373 development must be reviewed by the local government based on
1374 the standards in the local comprehensive plan at the time the
1375 development was originally approved, and if the development
1376 would have been consistent with the comprehensive plan in effect
1377 when the development was originally approved, the local
1378 government may approve the change. If the revised development is
1379 approved, the developer may proceed as provided in s.
1380 163.3167(5). For any proposed change to a previously approved
1381 development of regional impact, at least one public hearing must
1382 be held on the application for change, and any change must be
1383 approved by the local governing body before it becomes
1384 effective. The review must abide by any prior agreements or
1385 other actions vesting the laws and policies governing the
1386 development. Development within the previously approved
1387 development of regional impact may continue, as approved, during
1388 the review in portions of the development which are not directly
1389 affected by the proposed change ~~which creates a reasonable~~
1390 ~~likelihood of additional regional impact, or any type of~~
1391 ~~regional impact created by the change not previously reviewed by~~
1392 ~~the regional planning agency, shall constitute a substantial~~

576-03808-18

20181244c2

1393 ~~deviation and shall cause the proposed change to be subject to~~
1394 ~~further development of regional impact review. There are a~~
1395 ~~variety of reasons why a developer may wish to propose changes~~
1396 ~~to an approved development of regional impact, including changed~~
1397 ~~market conditions. The procedures set forth in this subsection~~
1398 ~~are for that purpose.~~

1399 (b) The local government shall either adopt an amendment to
1400 the development order that approves the application, with or
1401 without conditions, or deny the application for the proposed
1402 change. Any new conditions in the amendment to the development
1403 order issued by the local government may address only those
1404 impacts directly created by the proposed change, and must be
1405 consistent with s. 163.3180(5), the adopted comprehensive plan,
1406 and adopted land development regulations. Changes to a phase
1407 date, buildout date, expiration date, or termination date may
1408 also extend any required mitigation associated with a phased
1409 construction project so that mitigation takes place in the same
1410 timeframe relative to the impacts as approved ~~Any proposed~~
1411 ~~change to a previously approved development of regional impact~~
1412 ~~or development order condition which, either individually or~~
1413 ~~eumulatively with other changes, exceeds any of the criteria in~~
1414 ~~subparagraphs 1.-11. constitutes a substantial deviation and~~
1415 ~~shall cause the development to be subject to further~~
1416 ~~development of regional impact review through the notice of~~
1417 ~~proposed change process under this section.~~

1418 ~~1. An increase in the number of parking spaces at an~~
1419 ~~attraction or recreational facility by 15 percent or 500 spaces,~~
1420 ~~whichever is greater, or an increase in the number of spectators~~
1421 ~~that may be accommodated at such a facility by 15 percent or~~

576-03808-18

20181244c2

1422 ~~1,500 spectators, whichever is greater.~~

1423 ~~2. A new runway, a new terminal facility, a 25 percent~~
1424 ~~lengthening of an existing runway, or a 25 percent increase in~~
1425 ~~the number of gates of an existing terminal, but only if the~~
1426 ~~increase adds at least three additional gates.~~

1427 ~~3. An increase in land area for office development by 15~~
1428 ~~percent or an increase of gross floor area of office development~~
1429 ~~by 15 percent or 100,000 gross square feet, whichever is~~
1430 ~~greater.~~

1431 ~~4. An increase in the number of dwelling units by 10~~
1432 ~~percent or 55 dwelling units, whichever is greater.~~

1433 ~~5. An increase in the number of dwelling units by 50~~
1434 ~~percent or 200 units, whichever is greater, provided that 15~~
1435 ~~percent of the proposed additional dwelling units are dedicated~~
1436 ~~to affordable workforce housing, subject to a recorded land use~~
1437 ~~restriction that shall be for a period of not less than 20 years~~
1438 ~~and that includes resale provisions to ensure long-term~~
1439 ~~affordability for income-eligible homeowners and renters and~~
1440 ~~provisions for the workforce housing to be commenced before the~~
1441 ~~completion of 50 percent of the market rate dwelling. For~~
1442 ~~purposes of this subparagraph, the term "affordable workforce~~
1443 ~~housing" means housing that is affordable to a person who earns~~
1444 ~~less than 120 percent of the area median income, or less than~~
1445 ~~140 percent of the area median income if located in a county in~~
1446 ~~which the median purchase price for a single-family existing~~
1447 ~~home exceeds the statewide median purchase price of a single-~~
1448 ~~family existing home. For purposes of this subparagraph, the~~
1449 ~~term "statewide median purchase price of a single-family~~
1450 ~~existing home" means the statewide purchase price as determined~~

576-03808-18

20181244c2

1451 ~~in the Florida Sales Report, Single Family Existing Homes,~~
1452 ~~released each January by the Florida Association of Realtors and~~
1453 ~~the University of Florida Real Estate Research Center.~~

1454 ~~6. An increase in commercial development by 60,000 square~~
1455 ~~feet of gross floor area or of parking spaces provided for~~
1456 ~~customers for 425 cars or a 10 percent increase, whichever is~~
1457 ~~greater.~~

1458 ~~7. An increase in a recreational vehicle park area by 10~~
1459 ~~percent or 110 vehicle spaces, whichever is less.~~

1460 ~~8. A decrease in the area set aside for open space of 5~~
1461 ~~percent or 20 acres, whichever is less.~~

1462 ~~9. A proposed increase to an approved multiuse development~~
1463 ~~of regional impact where the sum of the increases of each land~~
1464 ~~use as a percentage of the applicable substantial deviation~~
1465 ~~criteria is equal to or exceeds 110 percent. The percentage of~~
1466 ~~any decrease in the amount of open space shall be treated as an~~
1467 ~~increase for purposes of determining when 110 percent has been~~
1468 ~~reached or exceeded.~~

1469 ~~10. A 15 percent increase in the number of external vehicle~~
1470 ~~trips generated by the development above that which was~~
1471 ~~projected during the original development of regional impact~~
1472 ~~review.~~

1473 ~~11. Any change that would result in development of any area~~
1474 ~~which was specifically set aside in the application for~~
1475 ~~development approval or in the development order for~~
1476 ~~preservation or special protection of endangered or threatened~~
1477 ~~plants or animals designated as endangered, threatened, or~~
1478 ~~species of special concern and their habitat, any species~~
1479 ~~protected by 16 U.S.C. ss. 668a-668d, primary dunes, or~~

576-03808-18

20181244c2

1480 ~~archaeological and historical sites designated as significant by~~
1481 ~~the Division of Historical Resources of the Department of State.~~
1482 ~~The refinement of the boundaries and configuration of such areas~~
1483 ~~shall be considered under sub-subparagraph (e)2.j.~~

1484
1485 ~~The substantial deviation numerical standards in subparagraphs~~
1486 ~~3., 6., and 9., excluding residential uses, and in subparagraph~~
1487 ~~10., are increased by 100 percent for a project certified under~~
1488 ~~s. 403.973 which creates jobs and meets criteria established by~~
1489 ~~the Department of Economic Opportunity as to its impact on an~~
1490 ~~area's economy, employment, and prevailing wage and skill~~
1491 ~~levels. The substantial deviation numerical standards in~~
1492 ~~subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50~~
1493 ~~percent for a project located wholly within an urban infill and~~
1494 ~~redevelopment area designated on the applicable adopted local~~
1495 ~~comprehensive plan future land use map and not located within~~
1496 ~~the coastal high hazard area.~~

1497 (c) This section is not intended to alter or otherwise
1498 limit the extension, previously granted by statute, of a
1499 commencement, buildout, phase, termination, or expiration date
1500 in any development order for an approved development of regional
1501 impact and any corresponding modification of a related permit or
1502 agreement. Any such extension is not subject to review or
1503 modification in any future amendment to a development order
1504 pursuant to the adopted local comprehensive plan and adopted
1505 local land development regulations ~~An extension of the date of~~
1506 ~~buildout of a development, or any phase thereof, by more than 7~~
1507 ~~years is presumed to create a substantial deviation subject to~~
1508 ~~further development of regional impact review.~~

576-03808-18

20181244c2

1509 ~~1. An extension of the date of buildout, or any phase~~
1510 ~~thereof, of more than 5 years but not more than 7 years is~~
1511 ~~presumed not to create a substantial deviation. The extension of~~
1512 ~~the date of buildout of an areawide development of regional~~
1513 ~~impact by more than 5 years but less than 10 years is presumed~~
1514 ~~not to create a substantial deviation. These presumptions may be~~
1515 ~~rebutted by clear and convincing evidence at the public hearing~~
1516 ~~held by the local government. An extension of 5 years or less is~~
1517 ~~not a substantial deviation.~~

1518 ~~2. In recognition of the 2011 real estate market~~
1519 ~~conditions, at the option of the developer, all commencement,~~
1520 ~~phase, buildout, and expiration dates for projects that are~~
1521 ~~currently valid developments of regional impact are extended for~~
1522 ~~4 years regardless of any previous extension. Associated~~
1523 ~~mitigation requirements are extended for the same period unless,~~
1524 ~~before December 1, 2011, a governmental entity notifies a~~
1525 ~~developer that has commenced any construction within the phase~~
1526 ~~for which the mitigation is required that the local government~~
1527 ~~has entered into a contract for construction of a facility with~~
1528 ~~funds to be provided from the development's mitigation funds for~~
1529 ~~that phase as specified in the development order or written~~
1530 ~~agreement with the developer. The 4-year extension is not a~~
1531 ~~substantial deviation, is not subject to further development of~~
1532 ~~regional impact review, and may not be considered when~~
1533 ~~determining whether a subsequent extension is a substantial~~
1534 ~~deviation under this subsection. The developer must notify the~~
1535 ~~local government in writing by December 31, 2011, in order to~~
1536 ~~receive the 4-year extension.~~

576-03808-18

20181244c2

1538 ~~For the purpose of calculating when a buildout or phase date has~~
1539 ~~been exceeded, the time shall be tolled during the pendency of~~
1540 ~~administrative or judicial proceedings relating to development~~
1541 ~~permits. Any extension of the buildout date of a project or a~~
1542 ~~phase thereof shall automatically extend the commencement date~~
1543 ~~of the project, the termination date of the development order,~~
1544 ~~the expiration date of the development of regional impact, and~~
1545 ~~the phases thereof if applicable by a like period of time.~~

1546 ~~(d) A change in the plan of development of an approved~~
1547 ~~development of regional impact resulting from requirements~~
1548 ~~imposed by the Department of Environmental Protection or any~~
1549 ~~water management district created by s. 373.069 or any of their~~
1550 ~~successor agencies or by any appropriate federal regulatory~~
1551 ~~agency shall be submitted to the local government pursuant to~~
1552 ~~this subsection. The change shall be presumed not to create a~~
1553 ~~substantial deviation subject to further development of~~
1554 ~~regional impact review. The presumption may be rebutted by clear~~
1555 ~~and convincing evidence at the public hearing held by the local~~
1556 ~~government.~~

1557 ~~(e)1. Except for a development order rendered pursuant to~~
1558 ~~subsection (22) or subsection (25), a proposed change to a~~
1559 ~~development order which individually or cumulatively with any~~
1560 ~~previous change is less than any numerical criterion contained~~
1561 ~~in subparagraphs (b)1.-10. and does not exceed any other~~
1562 ~~criterion, or which involves an extension of the buildout date~~
1563 ~~of a development, or any phase thereof, of less than 5 years is~~
1564 ~~not subject to the public hearing requirements of subparagraph~~
1565 ~~(f)3., and is not subject to a determination pursuant to~~
1566 ~~subparagraph (f)5. Notice of the proposed change shall be made~~

576-03808-18

20181244c2

1567 ~~to the regional planning council and the state land planning~~
1568 ~~agency. Such notice must include a description of previous~~
1569 ~~individual changes made to the development, including changes~~
1570 ~~previously approved by the local government, and must include~~
1571 ~~appropriate amendments to the development order.~~

1572 ~~2. The following changes, individually or cumulatively with~~
1573 ~~any previous changes, are not substantial deviations:~~

1574 ~~a. Changes in the name of the project, developer, owner, or~~
1575 ~~monitoring official.~~

1576 ~~b. Changes to a setback which do not affect noise buffers,~~
1577 ~~environmental protection or mitigation areas, or archaeological~~
1578 ~~or historical resources.~~

1579 ~~c. Changes to minimum lot sizes.~~

1580 ~~d. Changes in the configuration of internal roads which do~~
1581 ~~not affect external access points.~~

1582 ~~e. Changes to the building design or orientation which stay~~
1583 ~~approximately within the approved area designated for such~~
1584 ~~building and parking lot, and which do not affect historical~~
1585 ~~buildings designated as significant by the Division of~~
1586 ~~Historical Resources of the Department of State.~~

1587 ~~f. Changes to increase the acreage in the development, if~~
1588 ~~no development is proposed on the acreage to be added.~~

1589 ~~g. Changes to eliminate an approved land use, if there are~~
1590 ~~no additional regional impacts.~~

1591 ~~h. Changes required to conform to permits approved by any~~
1592 ~~federal, state, or regional permitting agency, if these changes~~
1593 ~~do not create additional regional impacts.~~

1594 ~~i. Any renovation or redevelopment of development within a~~
1595 ~~previously approved development of regional impact which does~~

576-03808-18

20181244c2

~~not change land use or increase density or intensity of use.~~

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

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

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

~~m. Any other change that the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a. 1. and that does not create the likelihood of any additional regional impact.~~

~~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~~

576-03808-18

20181244c2

1625 ~~local government's procedures for amendment of a development~~
1626 ~~order. In accordance with the local government's procedures,~~
1627 ~~including requirements for notice to the applicant and the~~
1628 ~~public, the local government shall either deny the application~~
1629 ~~for amendment or adopt an amendment to the development order~~
1630 ~~which approves the application with or without conditions.~~
1631 ~~Following adoption, the local government shall render to the~~
1632 ~~state land planning agency the amendment to the development~~
1633 ~~order. The state land planning agency may appeal, pursuant to s.~~
1634 ~~380.07(3), the amendment to the development order if the~~
1635 ~~amendment involves sub-subparagraph g., sub-subparagraph h.,~~
1636 ~~sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m.~~
1637 ~~and if the agency believes that the change creates a reasonable~~
1638 ~~likelihood of new or additional regional impacts.~~

1639 ~~3. Except for the change authorized by sub-subparagraph~~
1640 ~~2.f., any addition of land not previously reviewed or any change~~
1641 ~~not specified in paragraph (b) or paragraph (c) shall be~~
1642 ~~presumed to create a substantial deviation. This presumption may~~
1643 ~~be rebutted by clear and convincing evidence.~~

1644 ~~4. Any submittal of a proposed change to a previously~~
1645 ~~approved development must include a description of individual~~
1646 ~~changes previously made to the development, including changes~~
1647 ~~previously approved by the local government. The local~~
1648 ~~government shall consider the previous and current proposed~~
1649 ~~changes in deciding whether such changes cumulatively constitute~~
1650 ~~a substantial deviation requiring further development of~~
1651 ~~regional impact review.~~

1652 ~~5. The following changes to an approved development of~~
1653 ~~regional impact shall be presumed to create a substantial~~

576-03808-18

20181244c2

1654 ~~deviation. Such presumption may be rebutted by clear and~~
1655 ~~convincing evidence:~~

1656 ~~a. A change proposed for 15 percent or more of the acreage~~
1657 ~~to a land use not previously approved in the development order.~~
1658 ~~Changes of less than 15 percent shall be presumed not to create~~
1659 ~~a substantial deviation.~~

1660 ~~b. Notwithstanding any provision of paragraph (b) to the~~
1661 ~~contrary, a proposed change consisting of simultaneous increases~~
1662 ~~and decreases of at least two of the uses within an authorized~~
1663 ~~multiuse development of regional impact which was originally~~
1664 ~~approved with three or more uses specified in s. 380.0651(3)(c)~~
1665 ~~and (d) and residential use.~~

1666 ~~6. If a local government agrees to a proposed change, a~~
1667 ~~change in the transportation proportionate share calculation and~~
1668 ~~mitigation plan in an adopted development order as a result of~~
1669 ~~recalculation of the proportionate share contribution meeting~~
1670 ~~the requirements of s. 163.3180(5)(h) in effect as of the date~~
1671 ~~of such change shall be presumed not to create a substantial~~
1672 ~~deviation. For purposes of this subsection, the proposed change~~
1673 ~~in the proportionate share calculation or mitigation plan may~~
1674 ~~not be considered an additional regional transportation impact.~~

1675 ~~(f)1. The state land planning agency shall establish by~~
1676 ~~rule standard forms for submittal of proposed changes to a~~
1677 ~~previously approved development of regional impact which may~~
1678 ~~require further development of regional impact review. At a~~
1679 ~~minimum, the standard form shall require the developer to~~
1680 ~~provide the precise language that the developer proposes to~~
1681 ~~delete or add as an amendment to the development order.~~

1682 ~~2. The developer shall submit, simultaneously, to the local~~

576-03808-18

20181244c2

1683 ~~government, the regional planning agency, and the state land~~
1684 ~~planning agency the request for approval of a proposed change.~~

1685 ~~3. No sooner than 30 days but no later than 45 days after~~
1686 ~~submittal by the developer to the local government, the state~~
1687 ~~land planning agency, and the appropriate regional planning~~
1688 ~~agency, the local government shall give 15 days' notice and~~
1689 ~~schedule a public hearing to consider the change that the~~
1690 ~~developer asserts does not create a substantial deviation. This~~
1691 ~~public hearing shall be held within 60 days after submittal of~~
1692 ~~the proposed changes, unless that time is extended by the~~
1693 ~~developer.~~

1694 ~~4. The appropriate regional planning agency or the state~~
1695 ~~land planning agency shall review the proposed change and, no~~
1696 ~~later than 45 days after submittal by the developer of the~~
1697 ~~proposed change, unless that time is extended by the developer,~~
1698 ~~and prior to the public hearing at which the proposed change is~~
1699 ~~to be considered, shall advise the local government in writing~~
1700 ~~whether it objects to the proposed change, shall specify the~~
1701 ~~reasons for its objection, if any, and shall provide a copy to~~
1702 ~~the developer.~~

1703 ~~5. At the public hearing, the local government shall~~
1704 ~~determine whether the proposed change requires further~~
1705 ~~development of regional impact review. The provisions of~~
1706 ~~paragraphs (a) and (c), the thresholds set forth in paragraph~~
1707 ~~(b), and the presumptions set forth in paragraphs (c) and (d)~~
1708 ~~and subparagraph (c)3. shall be applicable in determining~~
1709 ~~whether further development of regional impact review is~~
1710 ~~required. The local government may also deny the proposed change~~
1711 ~~based on matters relating to local issues, such as if the land~~

576-03808-18

20181244c2

1712 ~~on which the change is sought is plat restricted in a way that~~
1713 ~~would be incompatible with the proposed change, and the local~~
1714 ~~government does not wish to change the plat restriction as part~~
1715 ~~of the proposed change.~~

1716 ~~6. If the local government determines that the proposed~~
1717 ~~change does not require further development of regional impact~~
1718 ~~review and is otherwise approved, or if the proposed change is~~
1719 ~~not subject to a hearing and determination pursuant to~~
1720 ~~subparagraphs 3. and 5. and is otherwise approved, the local~~
1721 ~~government shall issue an amendment to the development order~~
1722 ~~incorporating the approved change and conditions of approval~~
1723 ~~relating to the change. The requirement that a change be~~
1724 ~~otherwise approved shall not be construed to require additional~~
1725 ~~local review or approval if the change is allowed by applicable~~
1726 ~~local ordinances without further local review or approval. The~~
1727 ~~decision of the local government to approve, with or without~~
1728 ~~conditions, or to deny the proposed change that the developer~~
1729 ~~asserts does not require further review shall be subject to the~~
1730 ~~appeal provisions of s. 380.07. However, the state land planning~~
1731 ~~agency may not appeal the local government decision if it did~~
1732 ~~not comply with subparagraph 4. The state land planning agency~~
1733 ~~may not appeal a change to a development order made pursuant to~~
1734 ~~subparagraph (c)1. or subparagraph (c)2. for developments of~~
1735 ~~regional impact approved after January 1, 1980, unless the~~
1736 ~~change would result in a significant impact to a regionally~~
1737 ~~significant archaeological, historical, or natural resource not~~
1738 ~~previously identified in the original development of regional~~
1739 ~~impact review.~~

1740 ~~(g) If a proposed change requires further development of~~

576-03808-18

20181244c2

1741 ~~regional impact review pursuant to this section, the review~~
1742 ~~shall be conducted subject to the following additional~~
1743 ~~conditions:~~

1744 ~~1. The development of regional impact review conducted by~~
1745 ~~the appropriate regional planning agency shall address only~~
1746 ~~those issues raised by the proposed change except as provided in~~
1747 ~~subparagraph 2.~~

1748 ~~2. The regional planning agency shall consider, and the~~
1749 ~~local government shall determine whether to approve, approve~~
1750 ~~with conditions, or deny the proposed change as it relates to~~
1751 ~~the entire development. If the local government determines that~~
1752 ~~the proposed change, as it relates to the entire development, is~~
1753 ~~unacceptable, the local government shall deny the change.~~

1754 ~~3. If the local government determines that the proposed~~
1755 ~~change should be approved, any new conditions in the amendment~~
1756 ~~to the development order issued by the local government shall~~
1757 ~~address only those issues raised by the proposed change and~~
1758 ~~require mitigation only for the individual and cumulative~~
1759 ~~impacts of the proposed change.~~

1760 ~~4. Development within the previously approved development~~
1761 ~~of regional impact may continue, as approved, during the~~
1762 ~~development of regional impact review in those portions of the~~
1763 ~~development which are not directly affected by the proposed~~
1764 ~~change.~~

1765 ~~(h) When further development of regional impact review is~~
1766 ~~required because a substantial deviation has been determined or~~
1767 ~~admitted by the developer, the amendment to the development~~
1768 ~~order issued by the local government shall be consistent with~~
1769 ~~the requirements of subsection (15) and shall be subject to the~~

576-03808-18

20181244c2

1770 ~~hearing and appeal provisions of s. 380.07. The state land~~
1771 ~~planning agency or the appropriate regional planning agency need~~
1772 ~~not participate at the local hearing in order to appeal a local~~
1773 ~~government development order issued pursuant to this paragraph.~~

1774 ~~(i) An increase in the number of residential dwelling units~~
1775 ~~shall not constitute a substantial deviation and shall not be~~
1776 ~~subject to development-of-regional-impact review for additional~~
1777 ~~impacts, provided that all the residential dwelling units are~~
1778 ~~dedicated to affordable workforce housing and the total number~~
1779 ~~of new residential units does not exceed 200 percent of the~~
1780 ~~substantial deviation threshold. The affordable workforce~~
1781 ~~housing shall be subject to a recorded land use restriction that~~
1782 ~~shall be for a period of not less than 20 years and that~~
1783 ~~includes resale provisions to ensure long-term affordability for~~
1784 ~~income-eligible homeowners and renters. For purposes of this~~
1785 ~~paragraph, the term "affordable workforce housing" means housing~~
1786 ~~that is affordable to a person who earns less than 120 percent~~
1787 ~~of the area median income, or less than 140 percent of the area~~
1788 ~~median income if located in a county in which the median~~
1789 ~~purchase price for a single-family existing home exceeds the~~
1790 ~~statewide median purchase price of a single-family existing~~
1791 ~~home. For purposes of this paragraph, the term "statewide median~~
1792 ~~purchase price of a single-family existing home" means the~~
1793 ~~statewide purchase price as determined in the Florida Sales~~
1794 ~~Report, Single-Family Existing Homes, released each January by~~
1795 ~~the Florida Association of Realtors and the University of~~
1796 ~~Florida Real Estate Research Center.~~

1797 ~~(8)-(20)~~ VESTED RIGHTS.—Nothing in this section shall limit
1798 or modify the rights of any person to complete any development

576-03808-18

20181244c2

1799 that was authorized by registration of a subdivision pursuant to
1800 former chapter 498, by recordation pursuant to local subdivision
1801 plat law, or by a building permit or other authorization to
1802 commence development on which there has been reliance and a
1803 change of position and which registration or recordation was
1804 accomplished, or which permit or authorization was issued, prior
1805 to July 1, 1973. If a developer has, by his or her actions in
1806 reliance on prior regulations, obtained vested or other legal
1807 rights that in law would have prevented a local government from
1808 changing those regulations in a way adverse to the developer's
1809 interests, nothing in this chapter authorizes any governmental
1810 agency to abridge those rights.

1811 (a) For the purpose of determining the vesting of rights
1812 under this subsection, approval pursuant to local subdivision
1813 plat law, ordinances, or regulations of a subdivision plat by
1814 formal vote of a county or municipal governmental body having
1815 jurisdiction after August 1, 1967, and prior to July 1, 1973, is
1816 sufficient to vest all property rights for the purposes of this
1817 subsection; and no action in reliance on, or change of position
1818 concerning, such local governmental approval is required for
1819 vesting to take place. Anyone claiming vested rights under this
1820 paragraph must notify the department in writing by January 1,
1821 1986. Such notification shall include information adequate to
1822 document the rights established by this subsection. When such
1823 notification requirements are met, in order for the vested
1824 rights authorized pursuant to this paragraph to remain valid
1825 after June 30, 1990, development of the vested plan must be
1826 commenced prior to that date upon the property that the state
1827 land planning agency has determined to have acquired vested

576-03808-18

20181244c2

1828 rights following the notification or in a binding letter of
1829 interpretation. When the notification requirements have not been
1830 met, the vested rights authorized by this paragraph shall expire
1831 June 30, 1986, unless development commenced prior to that date.

1832 (b) For the purpose of this act, the conveyance of, or the
1833 agreement to convey, property to the county, state, or local
1834 government as a prerequisite to zoning change approval shall be
1835 construed as an act of reliance to vest rights as determined
1836 under this subsection, provided such zoning change is actually
1837 granted by such government.

1838 (9) ~~(21)~~ VALIDITY OF COMPREHENSIVE APPLICATION; MASTER PLAN
1839 DEVELOPMENT ORDER.—

1840 (a) Any agreement previously entered into by a developer, a
1841 regional planning agency, and a local government regarding if a
1842 development project that includes two or more developments of
1843 regional impact and was the subject of, a developer may file a
1844 comprehensive development-of-regional-impact application remains
1845 valid unless it expired on or before the effective date of this
1846 act.

1847 ~~(b) If a proposed development is planned for development~~
1848 ~~over an extended period of time, the developer may file an~~
1849 ~~application for master development approval of the project and~~
1850 ~~agree to present subsequent increments of the development for~~
1851 ~~preconstruction review. This agreement shall be entered into by~~
1852 ~~the developer, the regional planning agency, and the appropriate~~
1853 ~~local government having jurisdiction. The provisions of~~
1854 ~~subsection (9) do not apply to this subsection, except that a~~
1855 ~~developer may elect to utilize the review process established in~~
1856 ~~subsection (9) for review of the increments of a master plan.~~

576-03808-18

20181244c2

1857 ~~1. Prior to adoption of the master plan development order,~~
1858 ~~the developer, the landowner, the appropriate regional planning~~
1859 ~~agency, and the local government having jurisdiction shall~~
1860 ~~review the draft of the development order to ensure that~~
1861 ~~anticipated regional impacts have been adequately addressed and~~
1862 ~~that information requirements for subsequent incremental~~
1863 ~~application review are clearly defined. The development order~~
1864 ~~for a master application shall specify the information which~~
1865 ~~must be submitted with an incremental application and shall~~
1866 ~~identify those issues which can result in the denial of an~~
1867 ~~incremental application.~~

1868 ~~2. The review of subsequent incremental applications shall~~
1869 ~~be limited to that information specifically required and those~~
1870 ~~issues specifically raised by the master development order,~~
1871 ~~unless substantial changes in the conditions underlying the~~
1872 ~~approval of the master plan development order are demonstrated~~
1873 ~~or the master development order is shown to have been based on~~
1874 ~~substantially inaccurate information.~~

1875 ~~(c) The state land planning agency, by rule, shall~~
1876 ~~establish uniform procedures to implement this subsection.~~

1877 ~~(22) DOWNTOWN DEVELOPMENT AUTHORITIES.—~~

1878 ~~(a) A downtown development authority may submit a~~
1879 ~~development of regional impact application for development~~
1880 ~~approval pursuant to this section. The area described in the~~
1881 ~~application may consist of any or all of the land over which a~~
1882 ~~downtown development authority has the power described in s.~~
1883 ~~380.031(5). For the purposes of this subsection, a downtown~~
1884 ~~development authority shall be considered the developer whether~~
1885 ~~or not the development will be undertaken by the downtown~~

576-03808-18

20181244c2

1886 ~~development authority.~~

1887 ~~(b) In addition to information required by the development-~~
1888 ~~of-regional-impact application, the application for development~~
1889 ~~approval submitted by a downtown development authority shall~~
1890 ~~specify the total amount of development planned for each land~~
1891 ~~use category. In addition to the requirements of subsection~~
1892 ~~(15), the development order shall specify the amount of~~
1893 ~~development approved within each land use category. Development~~
1894 ~~undertaken in conformance with a development order issued under~~
1895 ~~this section does not require further review.~~

1896 ~~(c) If a development is proposed within the area of a~~
1897 ~~downtown development plan approved pursuant to this section~~
1898 ~~which would result in development in excess of the amount~~
1899 ~~specified in the development order for that type of activity,~~
1900 ~~changes shall be subject to the provisions of subsection (19),~~
1901 ~~except that the percentages and numerical criteria shall be~~
1902 ~~double those listed in paragraph (19) (b).~~

1903 ~~(d) The provisions of subsection (9) do not apply to this~~
1904 ~~subsection.~~

1905 ~~(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.—~~

1906 ~~(a) The state land planning agency shall adopt rules to~~
1907 ~~ensure uniform review of developments of regional impact by the~~
1908 ~~state land planning agency and regional planning agencies under~~
1909 ~~this section. These rules shall be adopted pursuant to chapter~~
1910 ~~120 and shall include all forms, application content, and review~~
1911 ~~guidelines necessary to implement development of regional impact~~
1912 ~~reviews. The state land planning agency, in consultation with~~
1913 ~~the regional planning agencies, may also designate types of~~
1914 ~~development or areas suitable for development in which reduced~~

576-03808-18

20181244c2

1915 ~~information requirements for development of regional impact~~
1916 ~~review shall apply.~~

1917 ~~(b) Regional planning agencies shall be subject to rules~~
1918 ~~adopted by the state land planning agency. At the request of a~~
1919 ~~regional planning council, the state land planning agency may~~
1920 ~~adopt by rule different standards for a specific comprehensive~~
1921 ~~planning district upon a finding that the statewide standard is~~
1922 ~~inadequate to protect or promote the regional interest at issue.~~
1923 ~~If such a regional standard is adopted by the state land~~
1924 ~~planning agency, the regional standard shall be applied to all~~
1925 ~~pertinent development of regional impact reviews conducted in~~
1926 ~~that region until rescinded.~~

1927 ~~(c) Within 6 months of the effective date of this section,~~
1928 ~~the state land planning agency shall adopt rules which:~~

1929 ~~1. Establish uniform statewide standards for development~~
1930 ~~of regional impact review.~~

1931 ~~2. Establish a short application for development approval~~
1932 ~~form which eliminates issues and questions for any project in a~~
1933 ~~jurisdiction with an adopted local comprehensive plan that is in~~
1934 ~~compliance.~~

1935 ~~(d) Regional planning agencies that perform development of~~
1936 ~~regional impact and Florida Quality Development review are~~
1937 ~~authorized to assess and collect fees to fund the costs, direct~~
1938 ~~and indirect, of conducting the review process. The state land~~
1939 ~~planning agency shall adopt rules to provide uniform criteria~~
1940 ~~for the assessment and collection of such fees. The rules~~
1941 ~~providing uniform criteria shall not be subject to rule~~
1942 ~~challenge under s. 120.56(2) or to drawout proceedings under s.~~
1943 ~~120.54(3)(c)2., but, once adopted, shall be subject to an~~

576-03808-18

20181244c2

1944 ~~invalidity challenge under s. 120.56(3) by substantially~~
1945 ~~affected persons. Until the state land planning agency adopts a~~
1946 ~~rule implementing this paragraph, rules of the regional planning~~
1947 ~~councils currently in effect regarding fees shall remain in~~
1948 ~~effect. Fees may vary in relation to the type and size of a~~
1949 ~~proposed project, but shall not exceed \$75,000, unless the state~~
1950 ~~land planning agency, after reviewing any disputed expenses~~
1951 ~~charged by the regional planning agency, determines that said~~
1952 ~~expenses were reasonable and necessary for an adequate regional~~
1953 ~~review of the impacts of a project.~~

1954 ~~(24) STATUTORY EXEMPTIONS.—~~

1955 ~~(a) Any proposed hospital is exempt from this section.~~

1956 ~~(b) Any proposed electrical transmission line or electrical~~
1957 ~~power plant is exempt from this section.~~

1958 ~~(c) Any proposed addition to an existing sports facility~~
1959 ~~complex is exempt from this section if the addition meets the~~
1960 ~~following characteristics:~~

1961 ~~1. It would not operate concurrently with the scheduled~~
1962 ~~hours of operation of the existing facility.~~

1963 ~~2. Its seating capacity would be no more than 75 percent of~~
1964 ~~the capacity of the existing facility.~~

1965 ~~3. The sports facility complex property is owned by a~~
1966 ~~public body before July 1, 1983.~~

1967
1968 ~~This exemption does not apply to any pari-mutuel facility.~~

1969 ~~(d) Any proposed addition or cumulative additions~~
1970 ~~subsequent to July 1, 1988, to an existing sports facility~~
1971 ~~complex owned by a state university is exempt if the increased~~
1972 ~~seating capacity of the complex is no more than 30 percent of~~

576-03808-18

20181244c2

1973 ~~the capacity of the existing facility.~~

1974 ~~(e) Any addition of permanent seats or parking spaces for~~
1975 ~~an existing sports facility located on property owned by a~~
1976 ~~public body before July 1, 1973, is exempt from this section if~~
1977 ~~future additions do not expand existing permanent seating or~~
1978 ~~parking capacity more than 15 percent annually in excess of the~~
1979 ~~prior year's capacity.~~

1980 ~~(f) Any increase in the seating capacity of an existing~~
1981 ~~sports facility having a permanent seating capacity of at least~~
1982 ~~50,000 spectators is exempt from this section, provided that~~
1983 ~~such an increase does not increase permanent seating capacity by~~
1984 ~~more than 5 percent per year and not to exceed a total of 10~~
1985 ~~percent in any 5-year period, and provided that the sports~~
1986 ~~facility notifies the appropriate local government within which~~
1987 ~~the facility is located of the increase at least 6 months before~~
1988 ~~the initial use of the increased seating, in order to permit the~~
1989 ~~appropriate local government to develop a traffic management~~
1990 ~~plan for the traffic generated by the increase. Any traffic~~
1991 ~~management plan shall be consistent with the local comprehensive~~
1992 ~~plan, the regional policy plan, and the state comprehensive~~
1993 ~~plan.~~

1994 ~~(g) Any expansion in the permanent seating capacity or~~
1995 ~~additional improved parking facilities of an existing sports~~
1996 ~~facility is exempt from this section, if the following~~
1997 ~~conditions exist:~~

1998 ~~1.a. The sports facility had a permanent seating capacity~~
1999 ~~on January 1, 1991, of at least 41,000 spectator seats;~~

2000 ~~b. The sum of such expansions in permanent seating capacity~~
2001 ~~does not exceed a total of 10 percent in any 5-year period and~~

576-03808-18

20181244c2

2002 ~~does not exceed a cumulative total of 20 percent for any such~~
2003 ~~expansions; or~~

2004 ~~e. The increase in additional improved parking facilities~~
2005 ~~is a one-time addition and does not exceed 3,500 parking spaces~~
2006 ~~erving the sports facility; and~~

2007 ~~2. The local government having jurisdiction of the sports~~
2008 ~~facility includes in the development order or development permit~~
2009 ~~approving such expansion under this paragraph a finding of fact~~
2010 ~~that the proposed expansion is consistent with the~~
2011 ~~transportation, water, sewer and stormwater drainage provisions~~
2012 ~~of the approved local comprehensive plan and local land~~
2013 ~~development regulations relating to those provisions.~~

2014
2015 ~~Any owner or developer who intends to rely on this statutory~~
2016 ~~exemption shall provide to the department a copy of the local~~
2017 ~~government application for a development permit. Within 45 days~~
2018 ~~after receipt of the application, the department shall render to~~
2019 ~~the local government an advisory and nonbinding opinion, in~~
2020 ~~writing, stating whether, in the department's opinion, the~~
2021 ~~prescribed conditions exist for an exemption under this~~
2022 ~~paragraph. The local government shall render the development~~
2023 ~~order approving each such expansion to the department. The~~
2024 ~~owner, developer, or department may appeal the local government~~
2025 ~~development order pursuant to s. 380.07, within 45 days after~~
2026 ~~the order is rendered. The scope of review shall be limited to~~
2027 ~~the determination of whether the conditions prescribed in this~~
2028 ~~paragraph exist. If any sports facility expansion undergoes~~
2029 ~~development-of-regional-impact review, all previous expansions~~
2030 ~~which were exempt under this paragraph shall be included in the~~

576-03808-18

20181244c2

2031 ~~development of regional impact review.~~

2032 ~~(h) Expansion to port harbors, spoil disposal sites,~~
2033 ~~navigation channels, turning basins, harbor berths, and other~~
2034 ~~related inwater harbor facilities of ports listed in s.~~
2035 ~~403.021(9) (b), port transportation facilities and projects~~
2036 ~~listed in s. 311.07(3) (b), and intermodal transportation~~
2037 ~~facilities identified pursuant to s. 311.09(3) are exempt from~~
2038 ~~this section when such expansions, projects, or facilities are~~
2039 ~~consistent with comprehensive master plans that are in~~
2040 ~~compliance with s. 163.3178.~~

2041 ~~(i) Any proposed facility for the storage of any petroleum~~
2042 ~~product or any expansion of an existing facility is exempt from~~
2043 ~~this section.~~

2044 ~~(j) Any renovation or redevelopment within the same land~~
2045 ~~parcel which does not change land use or increase density or~~
2046 ~~intensity of use.~~

2047 ~~(k) Waterport and marina development, including dry storage~~
2048 ~~facilities, are exempt from this section.~~

2049 ~~(l) Any proposed development within an urban service~~
2050 ~~boundary established under s. 163.3177(14), Florida Statutes~~
2051 ~~(2010), which is not otherwise exempt pursuant to subsection~~
2052 ~~(29), is exempt from this section if the local government having~~
2053 ~~jurisdiction over the area where the development is proposed has~~
2054 ~~adopted the urban service boundary and has entered into a~~
2055 ~~binding agreement with jurisdictions that would be impacted and~~
2056 ~~with the Department of Transportation regarding the mitigation~~
2057 ~~of impacts on state and regional transportation facilities.~~

2058 ~~(m) Any proposed development within a rural land~~
2059 ~~stewardship area created under s. 163.3248.~~

576-03808-18

20181244c2

2060 ~~(n) The establishment, relocation, or expansion of any~~
2061 ~~military installation as defined in s. 163.3175, is exempt from~~
2062 ~~this section.~~

2063 ~~(o) Any self-storage warehousing that does not allow retail~~
2064 ~~or other services is exempt from this section.~~

2065 ~~(p) Any proposed nursing home or assisted living facility~~
2066 ~~is exempt from this section.~~

2067 ~~(q) Any development identified in an airport master plan~~
2068 ~~and adopted into the comprehensive plan pursuant to s.~~
2069 ~~163.3177(6)(b)4. is exempt from this section.~~

2070 ~~(r) Any development identified in a campus master plan and~~
2071 ~~adopted pursuant to s. 1013.30 is exempt from this section.~~

2072 ~~(s) Any development in a detailed specific area plan which~~
2073 ~~is prepared and adopted pursuant to s. 163.3245 is exempt from~~
2074 ~~this section.~~

2075 ~~(t) Any proposed solid mineral mine and any proposed~~
2076 ~~addition to, expansion of, or change to an existing solid~~
2077 ~~mineral mine is exempt from this section. A mine owner will~~
2078 ~~enter into a binding agreement with the Department of~~
2079 ~~Transportation to mitigate impacts to strategic intermodal~~
2080 ~~system facilities pursuant to the transportation thresholds in~~
2081 ~~subsection (19) or rule 9J-2.045(6), Florida Administrative~~
2082 ~~Code. Proposed changes to any previously approved solid mineral~~
2083 ~~mine development of regional impact development orders having~~
2084 ~~vested rights are is not subject to further review or approval~~
2085 ~~as a development of regional impact or notice of proposed change~~
2086 ~~review or approval pursuant to subsection (19), except for those~~
2087 ~~applications pending as of July 1, 2011, which shall be governed~~
2088 ~~by s. 380.115(2). Notwithstanding the foregoing, however,~~

576-03808-18

20181244c2

2089 ~~pursuant to s. 380.115(1), previously approved solid mineral~~
2090 ~~mine development of regional impact development orders shall~~
2091 ~~continue to enjoy vested rights and continue to be effective~~
2092 ~~unless rescinded by the developer. All local government~~
2093 ~~regulations of proposed solid mineral mines shall be applicable~~
2094 ~~to any new solid mineral mine or to any proposed addition to,~~
2095 ~~expansion of, or change to an existing solid mineral mine.~~

2096 ~~(u) Notwithstanding any provisions in an agreement with or~~
2097 ~~among a local government, regional agency, or the state land~~
2098 ~~planning agency or in a local government's comprehensive plan to~~
2099 ~~the contrary, a project no longer subject to development of~~
2100 ~~regional impact review under revised thresholds is not required~~
2101 ~~to undergo such review.~~

2102 ~~(v) Any development within a county with a research and~~
2103 ~~education authority created by special act and that is also~~
2104 ~~within a research and development park that is operated or~~
2105 ~~managed by a research and development authority pursuant to part~~
2106 ~~V of chapter 159 is exempt from this section.~~

2107 ~~(w) Any development in an energy economic zone designated~~
2108 ~~pursuant to s. 377.809 is exempt from this section upon approval~~
2109 ~~by its local governing body.~~

2110 ~~(x) Any proposed development that is located in a local~~
2111 ~~government jurisdiction that does not qualify for an exemption~~
2112 ~~based on the population and density criteria in paragraph~~
2113 ~~(29) (a), that is approved as a comprehensive plan amendment~~
2114 ~~adopted pursuant to s. 163.3184(4), and that is the subject of~~
2115 ~~an agreement pursuant to s. 288.106(5) is exempt from this~~
2116 ~~section. This exemption shall only be effective upon a written~~
2117 ~~agreement executed by the applicant, the local government, and~~

576-03808-18

20181244c2

2118 ~~the state land planning agency. The state land planning agency~~
 2119 ~~shall only be a party to the agreement upon a determination that~~
 2120 ~~the development is the subject of an agreement pursuant to s.~~
 2121 ~~288.106(5) and that the local government has the capacity to~~
 2122 ~~adequately assess the impacts of the proposed development. The~~
 2123 ~~local government shall only be a party to the agreement upon~~
 2124 ~~approval by the governing body of the local government and upon~~
 2125 ~~providing at least 21 days' notice to adjacent local governments~~
 2126 ~~that includes, at a minimum, information regarding the location,~~
 2127 ~~density and intensity of use, and timing of the proposed~~
 2128 ~~development. This exemption does not apply to areas within the~~
 2129 ~~boundary of any area of critical state concern designated~~
 2130 ~~pursuant to s. 380.05, within the boundary of the Wekiva Study~~
 2131 ~~Area as described in s. 369.316, or within 2 miles of the~~
 2132 ~~boundary of the Everglades Protection Area as defined in s.~~
 2133 ~~373.4592(2).~~

2134
 2135 ~~If a use is exempt from review as a development of regional~~
 2136 ~~impact under paragraphs (a)-(u), but will be part of a larger~~
 2137 ~~project that is subject to review as a development of regional~~
 2138 ~~impact, the impact of the exempt use must be included in the~~
 2139 ~~review of the larger project, unless such exempt use involves a~~
 2140 ~~development of regional impact that includes a landowner,~~
 2141 ~~tenant, or user that has entered into a funding agreement with~~
 2142 ~~the Department of Economic Opportunity under the Innovation~~
 2143 ~~Incentive Program and the agreement contemplates a state award~~
 2144 ~~of at least \$50 million.~~

2145 ~~(10)(25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.-~~

2146 ~~(a) Any approval of an authorized developer for may submit~~

576-03808-18

20181244c2

2147 an areawide development of regional impact remains valid unless
2148 it expired on or before the effective date of this act. ~~to be~~
2149 ~~reviewed pursuant to the procedures and standards set forth in~~
2150 ~~this section. The areawide development of regional impact review~~
2151 ~~shall include an areawide development plan in addition to any~~
2152 ~~other information required under this section. After review and~~
2153 ~~approval of an areawide development of regional impact under~~
2154 ~~this section, all development within the defined planning area~~
2155 ~~shall conform to the approved areawide development plan and~~
2156 ~~development order. Individual developments that conform to the~~
2157 ~~approved areawide development plan shall not be required to~~
2158 ~~undergo further development of regional impact review, unless~~
2159 ~~otherwise provided in the development order. As used in this~~
2160 ~~subsection, the term:~~

2161 1. ~~"Areawide development plan" means a plan of development~~
2162 ~~that, at a minimum:~~

2163 a. ~~Encompasses a defined planning area approved pursuant to~~
2164 ~~this subsection that will include at least two or more~~
2165 ~~developments;~~

2166 b. ~~Maps and defines the land uses proposed, including the~~
2167 ~~amount of development by use and development phasing;~~

2168 c. ~~Integrates a capital improvements program for~~
2169 ~~transportation and other public facilities to ensure development~~
2170 ~~staging contingent on availability of facilities and services;~~

2171 d. ~~Incorporates land development regulation, covenants, and~~
2172 ~~other restrictions adequate to protect resources and facilities~~
2173 ~~of regional and state significance; and~~

2174 e. ~~Specifies responsibilities and identifies the mechanisms~~
2175 ~~for carrying out all commitments in the areawide development~~

576-03808-18

20181244c2

2176 ~~plan and for compliance with all conditions of any areawide~~
2177 ~~development order.~~

2178 ~~2. "Developer" means any person or association of persons,~~
2179 ~~including a governmental agency as defined in s. 380.031(6),~~
2180 ~~that petitions for authorization to file an application for~~
2181 ~~development approval for an areawide development plan.~~

2182 ~~(b) A developer may petition for authorization to submit a~~
2183 ~~proposed areawide development of regional impact for a defined~~
2184 ~~planning area in accordance with the following requirements:~~

2185 ~~1. A petition shall be submitted to the local government,~~
2186 ~~the regional planning agency, and the state land planning~~
2187 ~~agency.~~

2188 ~~2. A public hearing or joint public hearing shall be held~~
2189 ~~if required by paragraph (c), with appropriate notice, before~~
2190 ~~the affected local government.~~

2191 ~~3. The state land planning agency shall apply the following~~
2192 ~~criteria for evaluating a petition:~~

2193 ~~a. Whether the developer is financially capable of~~
2194 ~~processing the application for development approval through~~
2195 ~~final approval pursuant to this section.~~

2196 ~~b. Whether the defined planning area and anticipated~~
2197 ~~development therein appear to be of a character, magnitude, and~~
2198 ~~location that a proposed areawide development plan would be in~~
2199 ~~the public interest. Any public interest determination under~~
2200 ~~this criterion is preliminary and not binding on the state land~~
2201 ~~planning agency, regional planning agency, or local government.~~

2202 ~~4. The state land planning agency shall develop and make~~
2203 ~~available standard forms for petitions and applications for~~
2204 ~~development approval for use under this subsection.~~

576-03808-18

20181244c2

2205 ~~(c) Any person may submit a petition to a local government~~
2206 ~~having jurisdiction over an area to be developed, requesting~~
2207 ~~that government to approve that person as a developer, whether~~
2208 ~~or not any or all development will be undertaken by that person,~~
2209 ~~and to approve the area as appropriate for an areawide~~
2210 ~~development of regional impact.~~

2211 ~~(d) A general purpose local government with jurisdiction~~
2212 ~~over an area to be considered in an areawide development of~~
2213 ~~regional impact shall not have to petition itself for~~
2214 ~~authorization to prepare and consider an application for~~
2215 ~~development approval for an areawide development plan. However,~~
2216 ~~such a local government shall initiate the preparation of an~~
2217 ~~application only:~~

2218 ~~1. After scheduling and conducting a public hearing as~~
2219 ~~specified in paragraph (c); and~~

2220 ~~2. After conducting such hearing, finding that the planning~~
2221 ~~area meets the standards and criteria pursuant to subparagraph~~
2222 ~~(b)3. for determining that an areawide development plan will be~~
2223 ~~in the public interest.~~

2224 ~~(e) The local government shall schedule a public hearing~~
2225 ~~within 60 days after receipt of the petition. The public hearing~~
2226 ~~shall be advertised at least 30 days prior to the hearing. In~~
2227 ~~addition to the public hearing notice by the local government,~~
2228 ~~the petitioner, except when the petitioner is a local~~
2229 ~~government, shall provide actual notice to each person owning~~
2230 ~~land within the proposed areawide development plan at least 30~~
2231 ~~days prior to the hearing. If the petitioner is a local~~
2232 ~~government, or local governments pursuant to an interlocal~~
2233 ~~agreement, notice of the public hearing shall be provided by the~~

576-03808-18

20181244c2

2234 ~~publication of an advertisement in a newspaper of general~~
2235 ~~circulation that meets the requirements of this paragraph. The~~
2236 ~~advertisement must be no less than one-quarter page in a~~
2237 ~~standard size or tabloid size newspaper, and the headline in the~~
2238 ~~advertisement must be in type no smaller than 18 point. The~~
2239 ~~advertisement shall not be published in that portion of the~~
2240 ~~newspaper where legal notices and classified advertisements~~
2241 ~~appear. The advertisement must be published in a newspaper of~~
2242 ~~general paid circulation in the county and of general interest~~
2243 ~~and readership in the community, not one of limited subject~~
2244 ~~matter, pursuant to chapter 50. Whenever possible, the~~
2245 ~~advertisement must appear in a newspaper that is published at~~
2246 ~~least 5 days a week, unless the only newspaper in the community~~
2247 ~~is published less than 5 days a week. The advertisement must be~~
2248 ~~in substantially the form used to advertise amendments to~~
2249 ~~comprehensive plans pursuant to s. 163.3184. The local~~
2250 ~~government shall specifically notify in writing the regional~~
2251 ~~planning agency and the state land planning agency at least 30~~
2252 ~~days prior to the public hearing. At the public hearing, all~~
2253 ~~interested parties may testify and submit evidence regarding the~~
2254 ~~petitioner's qualifications, the need for and benefits of an~~
2255 ~~areawide development of regional impact, and such other issues~~
2256 ~~relevant to a full consideration of the petition. If more than~~
2257 ~~one local government has jurisdiction over the defined planning~~
2258 ~~area in an areawide development plan, the local governments~~
2259 ~~shall hold a joint public hearing. Such hearing shall address,~~
2260 ~~at a minimum, the need to resolve conflicting ordinances or~~
2261 ~~comprehensive plans, if any. The local government holding the~~
2262 ~~joint hearing shall comply with the following additional~~

576-03808-18

20181244c2

2263 requirements:

2264 ~~1. The notice of the hearing shall be published at least 60~~
2265 ~~days in advance of the hearing and shall specify where the~~
2266 ~~petition may be reviewed.~~

2267 ~~2. The notice shall be given to the state land planning~~
2268 ~~agency, to the applicable regional planning agency, and to such~~
2269 ~~other persons as may have been designated by the state land~~
2270 ~~planning agency as entitled to receive such notices.~~

2271 ~~3. A public hearing date shall be set by the appropriate~~
2272 ~~local government at the next scheduled meeting.~~

2273 ~~(f) Following the public hearing, the local government~~
2274 ~~shall issue a written order, appealable under s. 380.07, which~~
2275 ~~approves, approves with conditions, or denies the petition. It~~
2276 ~~shall approve the petitioner as the developer if it finds that~~
2277 ~~the petitioner and defined planning area meet the standards and~~
2278 ~~criteria, consistent with applicable law, pursuant to~~
2279 ~~subparagraph (b)3.~~

2280 ~~(g) The local government shall submit any order which~~
2281 ~~approves the petition, or approves the petition with conditions,~~
2282 ~~to the petitioner, to all owners of property within the defined~~
2283 ~~planning area, to the regional planning agency, and to the state~~
2284 ~~land planning agency within 30 days after the order becomes~~
2285 ~~effective.~~

2286 ~~(h) The petitioner, an owner of property within the defined~~
2287 ~~planning area, the appropriate regional planning agency by vote~~
2288 ~~at a regularly scheduled meeting, or the state land planning~~
2289 ~~agency may appeal the decision of the local government to the~~
2290 ~~Florida Land and Water Adjudicatory Commission by filing a~~
2291 ~~notice of appeal with the commission. The procedures established~~

576-03808-18

20181244c2

2292 in s. ~~380.07~~ shall be followed for such an appeal.

2293 ~~(i) After the time for appeal of the decision has run, an~~
2294 ~~approved developer may submit an application for development~~
2295 ~~approval for a proposed areawide development of regional impact~~
2296 ~~for land within the defined planning area, pursuant to~~
2297 ~~subsection (6). Development undertaken in conformance with an~~
2298 ~~areawide development order issued under this section shall not~~
2299 ~~require further development of regional impact review.~~

2300 ~~(j) In reviewing an application for a proposed areawide~~
2301 ~~development of regional impact, the regional planning agency~~
2302 ~~shall evaluate, and the local government shall consider, the~~
2303 ~~following criteria, in addition to any other criteria set forth~~
2304 ~~in this section:~~

2305 ~~1. Whether the developer has demonstrated its legal,~~
2306 ~~financial, and administrative ability to perform any commitments~~
2307 ~~it has made in the application for a proposed areawide~~
2308 ~~development of regional impact.~~

2309 ~~2. Whether the developer has demonstrated that all property~~
2310 ~~owners within the defined planning area consent or do not object~~
2311 ~~to the proposed areawide development of regional impact.~~

2312 ~~3. Whether the area and the anticipated development are~~
2313 ~~consistent with the applicable local, regional, and state~~
2314 ~~comprehensive plans, except as provided for in paragraph (k).~~

2315 ~~(k) In addition to the requirements of subsection (14), a~~
2316 ~~development order approving, or approving with conditions, a~~
2317 ~~proposed areawide development of regional impact shall specify~~
2318 ~~the approved land uses and the amount of development approved~~
2319 ~~within each land use category in the defined planning area. The~~
2320 ~~development order shall incorporate by reference the approved~~

576-03808-18

20181244c2

2321 ~~areawide development plan. The local government shall not~~
2322 ~~approve an areawide development plan that is inconsistent with~~
2323 ~~the local comprehensive plan, except that a local government may~~
2324 ~~amend its comprehensive plan pursuant to paragraph (6) (b).~~

2325 ~~(l) Any owner of property within the defined planning area~~
2326 ~~may withdraw his or her consent to the areawide development plan~~
2327 ~~at any time prior to local government approval, with or without~~
2328 ~~conditions, of the petition; and the plan, the areawide~~
2329 ~~development order, and the exemption from development of~~
2330 ~~regional impact review of individual projects under this section~~
2331 ~~shall not thereafter apply to the owner's property. After the~~
2332 ~~areawide development order is issued, a landowner may withdraw~~
2333 ~~his or her consent only with the approval of the local~~
2334 ~~government.~~

2335 ~~(m) If the developer of an areawide development of regional~~
2336 ~~impact is a general purpose local government with jurisdiction~~
2337 ~~over the land area included within the areawide development~~
2338 ~~proposal and if no interest in the land within the land area is~~
2339 ~~owned, leased, or otherwise controlled by a person, corporate or~~
2340 ~~natural, for the purpose of mining or beneficiation of minerals,~~
2341 ~~then:~~

2342 ~~1. Demonstration of property owner consent or lack of~~
2343 ~~objection to an areawide development plan shall not be required;~~
2344 ~~and~~

2345 ~~2. The option to withdraw consent does not apply, and all~~
2346 ~~property and development within the areawide development~~
2347 ~~planning area shall be subject to the areawide plan and to the~~
2348 ~~development order conditions.~~

2349 ~~(n) After a development order approving an areawide~~

576-03808-18

20181244c2

2350 ~~development plan is received, changes shall be subject to the~~
2351 ~~provisions of subsection (19), except that the percentages and~~
2352 ~~numerical criteria shall be double those listed in paragraph~~
2353 ~~(19) (b).~~

2354 (11) ~~(26)~~ ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

2355 (a) There is hereby established a process to abandon a
2356 development of regional impact and its associated development
2357 orders. A development of regional impact and its associated
2358 development orders may be proposed to be abandoned by the owner
2359 or developer. The local government in whose jurisdiction ~~in~~
2360 ~~which~~ the development of regional impact is located also may
2361 propose to abandon the development of regional impact, provided
2362 that the local government gives individual written notice to
2363 each development-of-regional-impact owner and developer of
2364 record, and provided that no such owner or developer objects in
2365 writing to the local government before ~~prior to~~ or at the public
2366 hearing pertaining to abandonment of the development of regional
2367 impact. ~~The state land planning agency is authorized to~~
2368 ~~promulgate rules that shall include, but not be limited to,~~
2369 ~~criteria for determining whether to grant, grant with~~
2370 ~~conditions, or deny a proposal to abandon, and provisions to~~
2371 ~~ensure that the developer satisfies all applicable conditions of~~
2372 ~~the development order and adequately mitigates for the impacts~~
2373 ~~of the development.~~ If there is no existing development within
2374 the development of regional impact at the time of abandonment
2375 and no development within the development of regional impact is
2376 proposed by the owner or developer after such abandonment, an
2377 abandonment order may ~~shall~~ not require the owner or developer
2378 to contribute any land, funds, or public facilities as a

576-03808-18

20181244c2

2379 condition of such abandonment order. The local government must
2380 file ~~rules shall also provide a procedure for filing~~ notice of
2381 the abandonment pursuant to s. 28.222 with the clerk of the
2382 circuit court for each county in which the development of
2383 regional impact is located. Abandonment will be deemed to have
2384 occurred upon the recording of the notice. Any decision by a
2385 local government concerning the abandonment of a development of
2386 regional impact is ~~shall be~~ subject to an appeal pursuant to s.
2387 380.07. The issues in any such appeal must ~~shall~~ be confined to
2388 whether the provisions of this subsection ~~or any rules~~
2389 ~~promulgated thereunder~~ have been satisfied.

2390 (b) If requested by the owner, developer, or local
2391 government, the development-of-regional-impact development order
2392 must be abandoned by the local government having jurisdiction
2393 upon a showing that all required mitigation related to the
2394 amount of development which existed on the date of abandonment
2395 has been completed or will be completed under an existing permit
2396 or equivalent authorization issued by a governmental agency as
2397 defined in s. 380.031(6), provided such permit or authorization
2398 is subject to enforcement through administrative or judicial
2399 remedies ~~Upon receipt of written confirmation from the state~~
2400 ~~land planning agency that any required mitigation applicable to~~
2401 ~~completed development has occurred, an industrial development of~~
2402 ~~regional impact located within the coastal high hazard area of a~~
2403 ~~rural area of opportunity which was approved before the adoption~~
2404 ~~of the local government's comprehensive plan required under s.~~
2405 ~~163.3167 and which plan's future land use map and zoning~~
2406 ~~designates the land use for the development of regional impact~~
2407 ~~as commercial may be unilaterally abandoned without the need to~~

576-03808-18

20181244c2

2408 ~~proceed through the process described in paragraph (a) if the~~
2409 ~~developer or owner provides a notice of abandonment to the local~~
2410 ~~government and records such notice with the applicable clerk of~~
2411 ~~court. Abandonment shall be deemed to have occurred upon the~~
2412 ~~recording of the notice. All development following abandonment~~
2413 must ~~shall~~ be fully consistent with the current comprehensive
2414 plan and applicable zoning.

2415 (c) A development order for abandonment of an approved
2416 development of regional impact may be amended by a local
2417 government pursuant to subsection (7), provided that the
2418 amendment does not reduce any mitigation previously required as
2419 a condition of abandonment, unless the developer demonstrates
2420 that changes to the development no longer will result in impacts
2421 that necessitated the mitigation.

2422 ~~(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A~~
2423 ~~DEVELOPMENT ORDER. If a developer or owner is in doubt as to his~~
2424 ~~or her rights, responsibilities, and obligations under a~~
2425 ~~development order and the development order does not clearly~~
2426 ~~define his or her rights, responsibilities, and obligations, the~~
2427 ~~developer or owner may request participation in resolving the~~
2428 ~~dispute through the dispute resolution process outlined in s.~~
2429 ~~186.509. The Department of Economic Opportunity shall be~~
2430 ~~notified by certified mail of any meeting held under the process~~
2431 ~~provided for by this subsection at least 5 days before the~~
2432 ~~meeting.~~

2433 ~~(28) PARTIAL STATUTORY EXEMPTIONS.—~~

2434 ~~(a) If the binding agreement referenced under paragraph~~
2435 ~~(24) (1) for urban service boundaries is not entered into within~~
2436 ~~12 months after establishment of the urban service boundary, the~~

576-03808-18

20181244c2

2437 ~~development of regional impact review for projects within the~~
2438 ~~urban service boundary must address transportation impacts only.~~

2439 ~~(b) If the binding agreement referenced under paragraph~~
2440 ~~(24) (m) for rural land stewardship areas is not entered into~~
2441 ~~within 12 months after the designation of a rural land~~
2442 ~~stewardship area, the development of regional impact review for~~
2443 ~~projects within the rural land stewardship area must address~~
2444 ~~transportation impacts only.~~

2445 ~~(c) If the binding agreement for designated urban infill~~
2446 ~~and redevelopment areas is not entered into within 12 months~~
2447 ~~after the designation of the area or July 1, 2007, whichever~~
2448 ~~occurs later, the development of regional impact review for~~
2449 ~~projects within the urban infill and redevelopment area must~~
2450 ~~address transportation impacts only.~~

2451 ~~(d) A local government that does not wish to enter into a~~
2452 ~~binding agreement or that is unable to agree on the terms of the~~
2453 ~~agreement referenced under paragraph (24) (l) or paragraph~~
2454 ~~(24) (m) shall provide written notification to the state land~~
2455 ~~planning agency of the decision to not enter into a binding~~
2456 ~~agreement or the failure to enter into a binding agreement~~
2457 ~~within the 12-month period referenced in paragraphs (a), (b) and~~
2458 ~~(c). Following the notification of the state land planning~~
2459 ~~agency, development of regional impact review for projects~~
2460 ~~within an urban service boundary under paragraph (24) (l), or a~~
2461 ~~rural land stewardship area under paragraph (24) (m), must~~
2462 ~~address transportation impacts only.~~

2463 ~~(e) The vesting provision of s. 163.3167(5) relating to an~~
2464 ~~authorized development of regional impact does not apply to~~
2465 ~~those projects partially exempt from the development of-~~

576-03808-18

20181244c2

2466 ~~regional impact review process under paragraphs (a) (d).~~

2467 ~~(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.~~

2468 ~~(a) The following are exempt from this section:~~

2469 ~~1. Any proposed development in a municipality that has an~~
2470 ~~average of at least 1,000 people per square mile of land area~~
2471 ~~and a minimum total population of at least 5,000;~~

2472 ~~2. Any proposed development within a county, including the~~
2473 ~~municipalities located in the county, that has an average of at~~
2474 ~~least 1,000 people per square mile of land area and is located~~
2475 ~~within an urban service area as defined in s. 163.3164 which has~~
2476 ~~been adopted into the comprehensive plan;~~

2477 ~~3. Any proposed development within a county, including the~~
2478 ~~municipalities located therein, which has a population of at~~
2479 ~~least 900,000, that has an average of at least 1,000 people per~~
2480 ~~square mile of land area, but which does not have an urban~~
2481 ~~service area designated in the comprehensive plan; or~~

2482 ~~4. Any proposed development within a county, including the~~
2483 ~~municipalities located therein, which has a population of at~~
2484 ~~least 1 million and is located within an urban service area as~~
2485 ~~defined in s. 163.3164 which has been adopted into the~~
2486 ~~comprehensive plan.~~

2487
2488 ~~The Office of Economic and Demographic Research within the~~
2489 ~~Legislature shall annually calculate the population and density~~
2490 ~~criteria needed to determine which jurisdictions meet the~~
2491 ~~density criteria in subparagraphs 1.-4. by using the most recent~~
2492 ~~land area data from the decennial census conducted by the Bureau~~
2493 ~~of the Census of the United States Department of Commerce and~~
2494 ~~the latest available population estimates determined pursuant to~~

576-03808-18

20181244c2

2495 ~~s. 186.901. If any local government has had an annexation,~~
2496 ~~contraction, or new incorporation, the Office of Economic and~~
2497 ~~Demographic Research shall determine the population density~~
2498 ~~using the new jurisdictional boundaries as recorded in~~
2499 ~~accordance with s. 171.091. The Office of Economic and~~
2500 ~~Demographic Research shall annually submit to the state land~~
2501 ~~planning agency by July 1 a list of jurisdictions that meet the~~
2502 ~~total population and density criteria. The state land planning~~
2503 ~~agency shall publish the list of jurisdictions on its Internet~~
2504 ~~website within 7 days after the list is received. The~~
2505 ~~designation of jurisdictions that meet the criteria of~~
2506 ~~subparagraphs 1. 4. is effective upon publication on the state~~
2507 ~~land planning agency's Internet website. If a municipality that~~
2508 ~~has previously met the criteria no longer meets the criteria,~~
2509 ~~the state land planning agency shall maintain the municipality~~
2510 ~~on the list and indicate the year the jurisdiction last met the~~
2511 ~~criteria. However, any proposed development of regional impact~~
2512 ~~not within the established boundaries of a municipality at the~~
2513 ~~time the municipality last met the criteria must meet the~~
2514 ~~requirements of this section until such time as the municipality~~
2515 ~~as a whole meets the criteria. Any county that meets the~~
2516 ~~criteria shall remain on the list in accordance with the~~
2517 ~~provisions of this paragraph. Any jurisdiction that was placed~~
2518 ~~on the dense urban land area list before June 2, 2011, shall~~
2519 ~~remain on the list in accordance with the provisions of this~~
2520 ~~paragraph.~~

2521 ~~(b) If a municipality that does not qualify as a dense~~
2522 ~~urban land area pursuant to paragraph (a) designates any of the~~
2523 ~~following areas in its comprehensive plan, any proposed~~

576-03808-18

20181244c2

2524 ~~development within the designated area is exempt from the~~
2525 ~~development of regional impact process:~~

- 2526 1. ~~Urban infill as defined in s. 163.3164;~~
2527 2. ~~Community redevelopment areas as defined in s. 163.340;~~
2528 3. ~~Downtown revitalization areas as defined in s. 163.3164;~~
2529 4. ~~Urban infill and redevelopment under s. 163.2517; or~~
2530 5. ~~Urban service areas as defined in s. 163.3164 or areas~~
2531 ~~within a designated urban service boundary under s.~~
2532 ~~163.3177(14), Florida Statutes (2010).~~

2533 ~~(c) If a county that does not qualify as a dense urban land~~
2534 ~~area designates any of the following areas in its comprehensive~~
2535 ~~plan, any proposed development within the designated area is~~
2536 ~~exempt from the development of regional impact process:~~

- 2537 1. ~~Urban infill as defined in s. 163.3164;~~
2538 2. ~~Urban infill and redevelopment under s. 163.2517; or~~
2539 3. ~~Urban service areas as defined in s. 163.3164.~~

2540 ~~(d) A development that is located partially outside an area~~
2541 ~~that is exempt from the development of regional impact program~~
2542 ~~must undergo development of regional impact review pursuant to~~
2543 ~~this section. However, if the total acreage that is included~~
2544 ~~within the area exempt from development of regional impact~~
2545 ~~review exceeds 85 percent of the total acreage and square~~
2546 ~~footage of the approved development of regional impact, the~~
2547 ~~development of regional impact development order may be~~
2548 ~~rescinded in both local governments pursuant to s. 380.115(1),~~
2549 ~~unless the portion of the development outside the exempt area~~
2550 ~~meets the threshold criteria of a development of regional~~
2551 ~~impact.~~

2552 ~~(e) In an area that is exempt under paragraphs (a) (c), any~~

576-03808-18

20181244c2

2553 ~~previously approved development of regional impact development~~
2554 ~~orders shall continue to be effective, but the developer has the~~
2555 ~~option to be governed by s. 380.115(1). A pending application~~
2556 ~~for development approval shall be governed by s. 380.115(2).~~

2557 ~~(f) Local governments must submit by mail a development~~
2558 ~~order to the state land planning agency for projects that would~~
2559 ~~be larger than 120 percent of any applicable development of~~
2560 ~~regional impact threshold and would require development of~~
2561 ~~regional impact review but for the exemption from the program~~
2562 ~~under paragraphs (a) - (c). For such development orders, the state~~
2563 ~~land planning agency may appeal the development order pursuant~~
2564 ~~to s. 380.07 for inconsistency with the comprehensive plan~~
2565 ~~adopted under chapter 163.~~

2566 ~~(g) If a local government that qualifies as a dense urban~~
2567 ~~land area under this subsection is subsequently found to be~~
2568 ~~ineligible for designation as a dense urban land area, any~~
2569 ~~development located within that area which has a complete,~~
2570 ~~pending application for authorization to commence development~~
2571 ~~may maintain the exemption if the developer is continuing the~~
2572 ~~application process in good faith or the development is~~
2573 ~~approved.~~

2574 ~~(h) This subsection does not limit or modify the rights of~~
2575 ~~any person to complete any development that has been authorized~~
2576 ~~as a development of regional impact pursuant to this chapter.~~

2577 ~~(i) This subsection does not apply to areas:~~

2578 ~~1. Within the boundary of any area of critical state~~
2579 ~~concern designated pursuant to s. 380.05;~~

2580 ~~2. Within the boundary of the Wekiva Study Area as~~
2581 ~~described in s. 369.316; or~~

576-03808-18

20181244c2

2582 ~~3. Within 2 miles of the boundary of the Everglades~~
 2583 ~~Protection Area as described in s. 373.4592(2).~~

2584 ~~(12)-(30)~~ PROPOSED DEVELOPMENTS.—

2585 (a) A proposed development that exceeds the statewide
 2586 guidelines and standards specified in s. 380.0651 and is not
 2587 otherwise exempt pursuant to s. 380.0651 must ~~otherwise subject~~
 2588 ~~to the review requirements of this section shall~~ be approved by
 2589 a local government pursuant to s. 163.3184(4) in lieu of
 2590 proceeding in accordance with this section. However, if the
 2591 proposed development is consistent with the comprehensive plan
 2592 as provided in s. 163.3194(3)(b), the development is not
 2593 required to undergo review pursuant to s. 163.3184(4) or this
 2594 section.

2595 (b) This subsection does not apply to:

2596 1. Amendments to a development order governing an existing
 2597 development of regional impact; or

2598 2. Any application for development approval filed with a
 2599 concurrent plan amendment application pending as of May 14,
 2600 2015, if the applicant elects to have the application reviewed
 2601 pursuant to the provisions of this section as it existed on such
 2602 date. Such election must be in writing and filed with the
 2603 affected local government, regional planning council, and state
 2604 land planning agency, before December 31, 2018.

2605 Section 3. Section 380.061, Florida Statutes, is amended to
 2606 read:

2607 380.061 The Florida Quality Developments program.—

2608 (1) This section only applies to developments approved as
 2609 Florida Quality Developments before the effective date of this
 2610 act ~~There is hereby created the Florida Quality Developments~~

576-03808-18

20181244c2

2611 ~~program. The intent of this program is to encourage development~~
2612 ~~which has been thoughtfully planned to take into consideration~~
2613 ~~protection of Florida's natural amenities, the cost to local~~
2614 ~~government of providing services to a growing community, and the~~
2615 ~~high quality of life Floridians desire. It is further intended~~
2616 ~~that the developer be provided, through a cooperative and~~
2617 ~~coordinated effort, an expeditious and timely review by all~~
2618 ~~agencies with jurisdiction over the project of his or her~~
2619 ~~proposed development.~~

2620 (2) Following written notification to the state land
2621 planning agency and the appropriate regional planning agency, a
2622 local government with an approved Florida Quality Development
2623 within its jurisdiction must set a public hearing pursuant to
2624 its local procedures and shall adopt a local development order
2625 to replace and supersede the development order adopted by the
2626 state land planning agency for the Florida Quality Development.
2627 Thereafter, the Florida Quality Development shall follow the
2628 procedures and requirements for developments of regional impact
2629 as specified in this chapter ~~Developments that may be designated~~
2630 ~~as Florida Quality Developments are those developments which are~~
2631 ~~above 80 percent of any numerical thresholds in the guidelines~~
2632 ~~and standards for development of regional impact review pursuant~~
2633 ~~to s. 380.06.~~

2634 (3) (a) ~~To be eligible for designation under this program,~~
2635 ~~the developer shall comply with each of the following~~
2636 ~~requirements if applicable to the site of a qualified~~
2637 ~~development:~~

2638 1. ~~Donate or enter into a binding commitment to donate the~~
2639 ~~fee or a lesser interest sufficient to protect, in perpetuity,~~

576-03808-18

20181244c2

2640 ~~the natural attributes of the types of land listed below. In~~
2641 ~~lieu of this requirement, the developer may enter into a binding~~
2642 ~~commitment that runs with the land to set aside such areas on~~
2643 ~~the property, in perpetuity, as open space to be retained in a~~
2644 ~~natural condition or as otherwise permitted under this~~
2645 ~~subparagraph. Under the requirements of this subparagraph, the~~
2646 ~~developer may reserve the right to use such areas for passive~~
2647 ~~recreation that is consistent with the purposes for which the~~
2648 ~~land was preserved.~~

2649 ~~a. Those wetlands and water bodies throughout the state~~
2650 ~~which would be delineated if the provisions of s. 373.4145(1)(b)~~
2651 ~~were applied. The developer may use such areas for the purpose~~
2652 ~~of site access, provided other routes of access are unavailable~~
2653 ~~or impracticable; may use such areas for the purpose of~~
2654 ~~stormwater or domestic sewage management and other necessary~~
2655 ~~utilities if such uses are permitted pursuant to chapter 403; or~~
2656 ~~may redesign or alter wetlands and water bodies within the~~
2657 ~~jurisdiction of the Department of Environmental Protection which~~
2658 ~~have been artificially created if the redesign or alteration is~~
2659 ~~done so as to produce a more naturally functioning system.~~

2660 ~~b. Active beach or primary and, where appropriate,~~
2661 ~~secondary dunes, to maintain the integrity of the dune system~~
2662 ~~and adequate public accessways to the beach. However, the~~
2663 ~~developer may retain the right to construct and maintain~~
2664 ~~elevated walkways over the dunes to provide access to the beach.~~

2665 ~~c. Known archaeological sites determined to be of~~
2666 ~~significance by the Division of Historical Resources of the~~
2667 ~~Department of State.~~

2668 ~~d. Areas known to be important to animal species designated~~

576-03808-18

20181244c2

2669 ~~as endangered or threatened by the United States Fish and~~
2670 ~~Wildlife Service or by the Fish and Wildlife Conservation~~
2671 ~~Commission, for reproduction, feeding, or nesting; for traveling~~
2672 ~~between such areas used for reproduction, feeding, or nesting;~~
2673 ~~or for escape from predation.~~

2674 ~~e. Areas known to contain plant species designated as~~
2675 ~~endangered by the Department of Agriculture and Consumer~~
2676 ~~Services.~~

2677 ~~2. Produce, or dispose of, no substances designated as~~
2678 ~~hazardous or toxic substances by the United States Environmental~~
2679 ~~Protection Agency, the Department of Environmental Protection,~~
2680 ~~or the Department of Agriculture and Consumer Services. This~~
2681 ~~subparagraph does not apply to the production of these~~
2682 ~~substances in nonsignificant amounts as would occur through~~
2683 ~~household use or incidental use by businesses.~~

2684 ~~3. Participate in a downtown reuse or redevelopment program~~
2685 ~~to improve and rehabilitate a declining downtown area.~~

2686 ~~4. Incorporate no dredge and fill activities in, and no~~
2687 ~~stormwater discharge into, waters designated as Class II,~~
2688 ~~aquatic preserves, or Outstanding Florida Waters, except as~~
2689 ~~permitted pursuant to s. 403.813(1), and the developer~~
2690 ~~demonstrates that those activities meet the standards under~~
2691 ~~Class II waters, Outstanding Florida Waters, or aquatic~~
2692 ~~preserves, as applicable.~~

2693 ~~5. Include open space, recreation areas, Florida-friendly~~
2694 ~~landscaping as defined in s. 373.185, and energy conservation~~
2695 ~~and minimize impermeable surfaces as appropriate to the location~~
2696 ~~and type of project.~~

2697 ~~6. Provide for construction and maintenance of all onsite~~

576-03808-18

20181244c2

2698 ~~infrastructure necessary to support the project and enter into a~~
2699 ~~binding commitment with local government to provide an~~
2700 ~~appropriate fair-share contribution toward the offsite impacts~~
2701 ~~that the development will impose on publicly funded facilities~~
2702 ~~and services, except offsite transportation, and condition or~~
2703 ~~phase the commencement of development to ensure that public~~
2704 ~~facilities and services, except offsite transportation, are~~
2705 ~~available concurrent with the impacts of the development. For~~
2706 ~~the purposes of offsite transportation impacts, the developer~~
2707 ~~shall comply, at a minimum, with the standards of the state land~~
2708 ~~planning agency's development of regional impact transportation~~
2709 ~~rule, the approved strategic regional policy plan, any~~
2710 ~~applicable regional planning council transportation rule, and~~
2711 ~~the approved local government comprehensive plan and land~~
2712 ~~development regulations adopted pursuant to part II of chapter~~
2713 ~~163.~~

2714 ~~7. Design and construct the development in a manner that is~~
2715 ~~consistent with the adopted state plan, the applicable strategic~~
2716 ~~regional policy plan, and the applicable adopted local~~
2717 ~~government comprehensive plan.~~

2718 ~~(b) In addition to the foregoing requirements, the~~
2719 ~~developer shall plan and design his or her development in a~~
2720 ~~manner which includes the needs of the people in this state as~~
2721 ~~identified in the state comprehensive plan and the quality of~~
2722 ~~life of the people who will live and work in or near the~~
2723 ~~development. The developer is encouraged to plan and design his~~
2724 ~~or her development in an innovative manner. These planning and~~
2725 ~~design features may include, but are not limited to, such things~~
2726 ~~as affordable housing, care for the elderly, urban renewal or~~

576-03808-18

20181244c2

2727 ~~redevelopment, mass transit, the protection and preservation of~~
2728 ~~wetlands outside the jurisdiction of the Department of~~
2729 ~~Environmental Protection or of uplands as wildlife habitat,~~
2730 ~~provision for the recycling of solid waste, provision for onsite~~
2731 ~~child care, enhancement of emergency management capabilities,~~
2732 ~~the preservation of areas known to be primary habitat for~~
2733 ~~significant populations of species of special concern designated~~
2734 ~~by the Fish and Wildlife Conservation Commission, or community~~
2735 ~~economic development. These additional amenities will be~~
2736 ~~considered in determining whether the development qualifies for~~
2737 ~~designation under this program.~~

2738 ~~(4) The department shall adopt an application for~~
2739 ~~development designation consistent with the intent of this~~
2740 ~~section.~~

2741 ~~(5) (a) Before filing an application for development~~
2742 ~~designation, the developer shall contact the Department of~~
2743 ~~Economic Opportunity to arrange one or more preapplication~~
2744 ~~conferences with the other reviewing entities. Upon the request~~
2745 ~~of the developer or any of the reviewing entities, other~~
2746 ~~affected state or regional agencies shall participate in this~~
2747 ~~conference. The department, in coordination with the local~~
2748 ~~government with jurisdiction and the regional planning council,~~
2749 ~~shall provide the developer information about the Florida~~
2750 ~~Quality Developments designation process and the use of~~
2751 ~~preapplication conferences to identify issues, coordinate~~
2752 ~~appropriate state, regional, and local agency requirements,~~
2753 ~~fully address any concerns of the local government, the regional~~
2754 ~~planning council, and other reviewing agencies and the meeting~~
2755 ~~of those concerns, if applicable, through development order~~

576-03808-18

20181244c2

2756 ~~conditions, and otherwise promote a proper, efficient, and~~
2757 ~~timely review of the proposed Florida Quality Development. The~~
2758 ~~department shall take the lead in coordinating the review~~
2759 ~~process.~~

2760 ~~(b) The developer shall submit the application to the state~~
2761 ~~land planning agency, the appropriate regional planning agency,~~
2762 ~~and the appropriate local government for review. The review~~
2763 ~~shall be conducted under the time limits and procedures set~~
2764 ~~forth in s. 120.60, except that the 90-day time limit shall~~
2765 ~~cease to run when the state land planning agency and the local~~
2766 ~~government have notified the applicant of their decision on~~
2767 ~~whether the development should be designated under this program.~~

2768 ~~(c) At any time prior to the issuance of the Florida~~
2769 ~~Quality Development order, the developer of a proposed Florida~~
2770 ~~Quality Development shall have the right to withdraw the~~
2771 ~~proposed project from consideration as a Florida Quality~~
2772 ~~Development. The developer may elect to convert the proposed~~
2773 ~~project to a proposed development of regional impact. The~~
2774 ~~conversion shall be in the form of a letter to the reviewing~~
2775 ~~entities stating the developer's intent to seek authorization~~
2776 ~~for the development as a development of regional impact under s.~~
2777 ~~380.06. If a proposed Florida Quality Development converts to a~~
2778 ~~development of regional impact, the developer shall resubmit the~~
2779 ~~appropriate application and the development shall be subject to~~
2780 ~~all applicable procedures under s. 380.06, except that:~~

2781 ~~1. A preapplication conference held under paragraph (a)~~
2782 ~~satisfies the preapplication procedures requirement under s.~~
2783 ~~380.06(7); and~~

2784 ~~2. If requested in the withdrawal letter, a finding of~~

576-03808-18

20181244c2

2785 ~~completeness of the application under paragraph (a) and s.~~
2786 ~~120.60 may be converted to a finding of sufficiency by the~~
2787 ~~regional planning council if such a conversion is approved by~~
2788 ~~the regional planning council.~~

2789

2790 ~~The regional planning council shall have 30 days to notify the~~
2791 ~~developer if the request for conversion of completeness to~~
2792 ~~sufficiency is granted or denied. If granted and the application~~
2793 ~~is found sufficient, the regional planning council shall notify~~
2794 ~~the local government that a public hearing date may be set to~~
2795 ~~consider the development for approval as a development of~~
2796 ~~regional impact, and the development shall be subject to all~~
2797 ~~applicable rules, standards, and procedures of s. 380.06. If the~~
2798 ~~request for conversion of completeness to sufficiency is denied,~~
2799 ~~the developer shall resubmit the appropriate application for~~
2800 ~~review and the development shall be subject to all applicable~~
2801 ~~procedures under s. 380.06, except as otherwise provided in this~~
2802 ~~paragraph.~~

2803 ~~(d) If the local government and state land planning agency~~
2804 ~~agree that the project should be designated under this program,~~
2805 ~~the state land planning agency shall issue a development order~~
2806 ~~which incorporates the plan of development as set out in the~~
2807 ~~application along with any agreed upon modifications and~~
2808 ~~conditions, based on recommendations by the local government and~~
2809 ~~regional planning council, and a certification that the~~
2810 ~~development is designated as one of Florida's Quality~~
2811 ~~Developments. In the event of conflicting recommendations, the~~
2812 ~~state land planning agency, after consultation with the local~~
2813 ~~government and the regional planning agency, shall resolve such~~

576-03808-18

20181244c2

2814 ~~conflicts in the development order. Upon designation, the~~
2815 ~~development, as approved, is exempt from development of~~
2816 ~~regional impact review pursuant to s. 380.06.~~

2817 ~~(e) If the local government or state land planning agency,~~
2818 ~~or both, recommends against designation, the development shall~~
2819 ~~undergo development of regional impact review pursuant to s.~~
2820 ~~380.06, except as provided in subsection (6) of this section.~~

2821 ~~(6) (a) In the event that the development is not designated~~
2822 ~~under subsection (5), the developer may appeal that~~
2823 ~~determination to the Quality Developments Review Board. The~~
2824 ~~board shall consist of the secretary of the state land planning~~
2825 ~~agency, the Secretary of Environmental Protection and a member~~
2826 ~~designated by the secretary, the Secretary of Transportation,~~
2827 ~~the executive director of the Fish and Wildlife Conservation~~
2828 ~~Commission, the executive director of the appropriate water~~
2829 ~~management district created pursuant to chapter 373, and the~~
2830 ~~chief executive officer of the appropriate local government.~~
2831 ~~When there is a significant historical or archaeological site~~
2832 ~~within the boundaries of a development which is appealed to the~~
2833 ~~board, the director of the Division of Historical Resources of~~
2834 ~~the Department of State shall also sit on the board. The staff~~
2835 ~~of the state land planning agency shall serve as staff to the~~
2836 ~~board.~~

2837 ~~(b) The board shall meet once each quarter of the year.~~
2838 ~~However, a meeting may be waived if no appeals are pending.~~

2839 ~~(c) On appeal, the sole issue shall be whether the~~
2840 ~~development meets the statutory criteria for designation under~~
2841 ~~this program. An affirmative vote of at least five members of~~
2842 ~~the board, including the affirmative vote of the chief executive~~

576-03808-18

20181244c2

2843 ~~officer of the appropriate local government, shall be necessary~~
2844 ~~to designate the development by the board.~~

2845 ~~(d) The state land planning agency shall adopt procedural~~
2846 ~~rules for consideration of appeals under this subsection.~~

2847 ~~(7) (a) The development order issued pursuant to this~~
2848 ~~section is enforceable in the same manner as a development order~~
2849 ~~issued pursuant to s. 380.06.~~

2850 ~~(b) Appeal of a development order issued pursuant to this~~
2851 ~~section shall be available only pursuant to s. 380.07.~~

2852 ~~(8) (a) Any local government comprehensive plan amendments~~
2853 ~~related to a Florida Quality Development may be initiated by a~~
2854 ~~local planning agency and considered by the local governing body~~
2855 ~~at the same time as the application for development approval.~~
2856 ~~Nothing in this subsection shall be construed to require~~
2857 ~~favorable consideration of a Florida Quality Development solely~~
2858 ~~because it is related to a development of regional impact.~~

2859 ~~(b) The department shall adopt, by rule, standards and~~
2860 ~~procedures necessary to implement the Florida Quality~~
2861 ~~Developments program. The rules must include, but need not be~~
2862 ~~limited to, provisions governing annual reports and criteria for~~
2863 ~~determining whether a proposed change to an approved Florida~~
2864 ~~Quality Development is a substantial change requiring further~~
2865 ~~review.~~

2866 Section 4. Section 380.0651, Florida Statutes, is amended
2867 to read:

2868 380.0651 Statewide guidelines, and standards, and
2869 exemptions.-

2870 (1) STATEWIDE GUIDELINES AND STANDARDS. ~~The statewide~~
2871 ~~guidelines and standards for developments required to undergo~~

576-03808-18

20181244c2

2872 ~~development of regional impact review provided in this section~~
2873 ~~supersede the statewide guidelines and standards previously~~
2874 ~~adopted by the Administration Commission that address the same~~
2875 ~~development. Other standards and guidelines previously adopted~~
2876 ~~by the Administration Commission, including the residential~~
2877 ~~standards and guidelines, shall not be superseded. The~~
2878 ~~guidelines and standards shall be applied in the manner~~
2879 ~~described in s. 380.06(2) (a).~~

2880 ~~(2) The Administration Commission shall publish the~~
2881 ~~statewide guidelines and standards established in this section~~
2882 ~~in its administrative rule in place of the guidelines and~~
2883 ~~standards that are superseded by this act, without the~~
2884 ~~proceedings required by s. 120.54 and notwithstanding the~~
2885 ~~provisions of s. 120.545(1) (c). The Administration Commission~~
2886 ~~shall initiate rulemaking proceedings pursuant to s. 120.54 to~~
2887 ~~make all other technical revisions necessary to conform the~~
2888 ~~rules to this act. Rule amendments made pursuant to this~~
2889 ~~subsection shall not be subject to the requirement for~~
2890 ~~legislative approval pursuant to s. 380.06(2).~~

2891 ~~(3) Subject to the exemptions and partial exemptions~~
2892 ~~specified in this section, the following statewide guidelines~~
2893 ~~and standards shall be applied in the manner described in s.~~
2894 ~~380.06(2) to determine whether the following developments are~~
2895 ~~subject to the requirements of s. 380.06 shall be required to~~
2896 ~~undergo development of regional impact review:~~

2897 ~~(a) *Airports.*—~~

2898 ~~1. Any of the following airport construction projects is~~
2899 ~~shall be a development of regional impact:~~

2900 ~~a. A new commercial service or general aviation airport~~

576-03808-18

20181244c2

2901 with paved runways.

2902 b. A new commercial service or general aviation paved
2903 runway.

2904 c. A new passenger terminal facility.

2905 2. Lengthening of an existing runway by 25 percent or an
2906 increase in the number of gates by 25 percent or three gates,
2907 whichever is greater, on a commercial service airport or a
2908 general aviation airport with regularly scheduled flights is a
2909 development of regional impact. However, expansion of existing
2910 terminal facilities at a nonhub or small hub commercial service
2911 airport is ~~shall~~ not be a development of regional impact.

2912 3. Any airport development project which is proposed for
2913 safety, repair, or maintenance reasons alone and would not have
2914 the potential to increase or change existing types of aircraft
2915 activity is not a development of regional impact.

2916 Notwithstanding subparagraphs 1. and 2., renovation,
2917 modernization, or replacement of airport airside or terminal
2918 facilities that may include increases in square footage of such
2919 facilities but does not increase the number of gates or change
2920 the existing types of aircraft activity is not a development of
2921 regional impact.

2922 (b) *Attractions and recreation facilities.*—Any sports,
2923 entertainment, amusement, or recreation facility, including, but
2924 not limited to, a sports arena, stadium, racetrack, tourist
2925 attraction, amusement park, or pari-mutuel facility, the
2926 construction or expansion of which:

2927 1. For single performance facilities:

2928 a. Provides parking spaces for more than 2,500 cars; or

2929 b. Provides more than 10,000 permanent seats for

576-03808-18

20181244c2

2930 spectators.

2931 2. For serial performance facilities:

2932 a. Provides parking spaces for more than 1,000 cars; or

2933 b. Provides more than 4,000 permanent seats for spectators.

2934

2935 For purposes of this subsection, "serial performance facilities"
2936 means those using their parking areas or permanent seating more
2937 than one time per day on a regular or continuous basis.

2938 (c) *Office development.*—Any proposed office building or
2939 park operated under common ownership, development plan, or
2940 management that:

2941 1. Encompasses 300,000 or more square feet of gross floor
2942 area; or

2943 2. Encompasses more than 600,000 square feet of gross floor
2944 area in a county with a population greater than 500,000 and only
2945 in a geographic area specifically designated as highly suitable
2946 for increased threshold intensity in the approved local
2947 comprehensive plan.

2948 (d) *Retail and service development.*—Any proposed retail,
2949 service, or wholesale business establishment or group of
2950 establishments which deals primarily with the general public
2951 onsite, operated under one common property ownership,
2952 development plan, or management that:

2953 1. Encompasses more than 400,000 square feet of gross area;
2954 or

2955 2. Provides parking spaces for more than 2,500 cars.

2956 (e) *Recreational vehicle development.*—Any proposed
2957 recreational vehicle development planned to create or
2958 accommodate 500 or more spaces.

576-03808-18

20181244c2

2959 (f) *Multiuse development*.—Any proposed development with two
2960 or more land uses where the sum of the percentages of the
2961 appropriate thresholds identified in chapter 28-24, Florida
2962 Administrative Code, or this section for each land use in the
2963 development is equal to or greater than 145 percent. Any
2964 proposed development with three or more land uses, one of which
2965 is residential and contains at least 100 dwelling units or 15
2966 percent of the applicable residential threshold, whichever is
2967 greater, where the sum of the percentages of the appropriate
2968 thresholds identified in chapter 28-24, Florida Administrative
2969 Code, or this section for each land use in the development is
2970 equal to or greater than 160 percent. This threshold is in
2971 addition to, and does not preclude, a development from being
2972 required to undergo development-of-regional-impact review under
2973 any other threshold.

2974 (g) *Residential development*.—A rule may not be adopted
2975 concerning residential developments which treats a residential
2976 development in one county as being located in a less populated
2977 adjacent county unless more than 25 percent of the development
2978 is located within 2 miles or less of the less populated adjacent
2979 county. The residential thresholds of adjacent counties with
2980 less population and a lower threshold may not be controlling on
2981 any development wholly located within areas designated as rural
2982 areas of opportunity.

2983 (h) *Workforce housing*.—The applicable guidelines for
2984 residential development and the residential component for
2985 multiuse development shall be increased by 50 percent where the
2986 developer demonstrates that at least 15 percent of the total
2987 residential dwelling units authorized within the development of

576-03808-18

20181244c2

2988 regional impact will be dedicated to affordable workforce
2989 housing, subject to a recorded land use restriction that shall
2990 be for a period of not less than 20 years and that includes
2991 resale provisions to ensure long-term affordability for income-
2992 eligible homeowners and renters and provisions for the workforce
2993 housing to be commenced prior to the completion of 50 percent of
2994 the market rate dwelling. For purposes of this paragraph, the
2995 term "affordable workforce housing" means housing that is
2996 affordable to a person who earns less than 120 percent of the
2997 area median income, or less than 140 percent of the area median
2998 income if located in a county in which the median purchase price
2999 for a single-family existing home exceeds the statewide median
3000 purchase price of a single-family existing home. For the
3001 purposes of this paragraph, the term "statewide median purchase
3002 price of a single-family existing home" means the statewide
3003 purchase price as determined in the Florida Sales Report,
3004 Single-Family Existing Homes, released each January by the
3005 Florida Association of Realtors and the University of Florida
3006 Real Estate Research Center.

3007 (i) *Schools.*—

3008 1. The proposed construction of any public, private, or
3009 proprietary postsecondary educational campus which provides for
3010 a design population of more than 5,000 full-time equivalent
3011 students, or the proposed physical expansion of any public,
3012 private, or proprietary postsecondary educational campus having
3013 such a design population that would increase the population by
3014 at least 20 percent of the design population.

3015 2. As used in this paragraph, "full-time equivalent
3016 student" means enrollment for 15 or more quarter hours during a

576-03808-18

20181244c2

3017 single academic semester. In career centers or other
3018 institutions which do not employ semester hours or quarter hours
3019 in accounting for student participation, enrollment for 18
3020 contact hours shall be considered equivalent to one quarter
3021 hour, and enrollment for 27 contact hours shall be considered
3022 equivalent to one semester hour.

3023 3. This paragraph does not apply to institutions which are
3024 the subject of a campus master plan adopted by the university
3025 board of trustees pursuant to s. 1013.30.

3026 (2) STATUTORY EXEMPTIONS.—The following developments are
3027 exempt from s. 380.06:

3028 (a) Any proposed hospital.

3029 (b) Any proposed electrical transmission line or electrical
3030 power plant.

3031 (c) Any proposed addition to an existing sports facility
3032 complex if the addition meets the following characteristics:

3033 1. It would not operate concurrently with the scheduled
3034 hours of operation of the existing facility;

3035 2. Its seating capacity would be no more than 75 percent of
3036 the capacity of the existing facility; and

3037 3. The sports facility complex property was owned by a
3038 public body before July 1, 1983.

3039
3040 This exemption does not apply to any pari-mutuel facility as
3041 defined in s. 550.002.

3042 (d) Any proposed addition or cumulative additions
3043 subsequent to July 1, 1988, to an existing sports facility
3044 complex owned by a state university, if the increased seating
3045 capacity of the complex is no more than 30 percent of the

576-03808-18

20181244c2

3046 capacity of the existing facility.

3047 (e) Any addition of permanent seats or parking spaces for
3048 an existing sports facility located on property owned by a
3049 public body before July 1, 1973, if future additions do not
3050 expand existing permanent seating or parking capacity more than
3051 15 percent annually in excess of the prior year's capacity.

3052 (f) Any increase in the seating capacity of an existing
3053 sports facility having a permanent seating capacity of at least
3054 50,000 spectators, provided that such an increase does not
3055 increase permanent seating capacity by more than 5 percent per
3056 year and does not exceed a total of 10 percent in any 5-year
3057 period. The sports facility must notify the appropriate local
3058 government within which the facility is located of the increase
3059 at least 6 months before the initial use of the increased
3060 seating in order to permit the appropriate local government to
3061 develop a traffic management plan for the traffic generated by
3062 the increase. Any traffic management plan must be consistent
3063 with the local comprehensive plan, the regional policy plan, and
3064 the state comprehensive plan.

3065 (g) Any expansion in the permanent seating capacity or
3066 additional improved parking facilities of an existing sports
3067 facility, if the following conditions exist:

3068 1.a. The sports facility had a permanent seating capacity
3069 on January 1, 1991, of at least 41,000 spectator seats;

3070 b. The sum of such expansions in permanent seating capacity
3071 does not exceed a total of 10 percent in any 5-year period and
3072 does not exceed a cumulative total of 20 percent for any such
3073 expansions; or

3074 c. The increase in additional improved parking facilities

576-03808-18

20181244c2

3075 is a one-time addition and does not exceed 3,500 parking spaces
3076 servicing the sports facility; and

3077 2. The local government having jurisdiction over the sports
3078 facility includes in the development order or development permit
3079 approving such expansion under this paragraph a finding of fact
3080 that the proposed expansion is consistent with the
3081 transportation, water, sewer, and stormwater drainage provisions
3082 of the approved local comprehensive plan and local land
3083 development regulations relating to those provisions.

3084
3085 Any owner or developer who intends to rely on this statutory
3086 exemption shall provide to the state land planning agency a copy
3087 of the local government application for a development permit.
3088 Within 45 days after receipt of the application, the state land
3089 planning agency shall render to the local government an advisory
3090 and nonbinding opinion, in writing, stating whether, in the
3091 state land planning agency's opinion, the prescribed conditions
3092 exist for an exemption under this paragraph. The local
3093 government shall render the development order approving each
3094 such expansion to the state land planning agency. The owner,
3095 developer, or state land planning agency may appeal the local
3096 government development order pursuant to s. 380.07 within 45
3097 days after the order is rendered. The scope of review shall be
3098 limited to the determination of whether the conditions
3099 prescribed in this paragraph exist. If any sports facility
3100 expansion undergoes development-of-regional-impact review, all
3101 previous expansions that were exempt under this paragraph must
3102 be included in the development-of-regional-impact review.

3103 (h) Expansion to port harbors, spoil disposal sites,

576-03808-18

20181244c2

3104 navigation channels, turning basins, harbor berths, and other
3105 related inwater harbor facilities of the ports specified in s.
3106 403.021(9) (b), port transportation facilities and projects
3107 listed in s. 311.07(3) (b), and intermodal transportation
3108 facilities identified pursuant to s. 311.09(3) when such
3109 expansions, projects, or facilities are consistent with port
3110 master plans and are in compliance with s. 163.3178.

3111 (i) Any proposed facility for the storage of any petroleum
3112 product or any expansion of an existing facility.

3113 (j) Any renovation or redevelopment within the same parcel
3114 as the existing development if such renovation or redevelopment
3115 does not change land use or increase density or intensity of
3116 use.

3117 (k) Waterport and marina development, including dry storage
3118 facilities.

3119 (l) Any proposed development within an urban service area
3120 boundary established under s. 163.3177(14), Florida Statutes
3121 2010, that is not otherwise exempt pursuant to subsection (3), if
3122 the local government having jurisdiction over the area where the
3123 development is proposed has adopted the urban service area
3124 boundary and has entered into a binding agreement with
3125 jurisdictions that would be impacted and with the Department of
3126 Transportation regarding the mitigation of impacts on state and
3127 regional transportation facilities.

3128 (m) Any proposed development within a rural land
3129 stewardship area created under s. 163.3248.

3130 (n) The establishment, relocation, or expansion of any
3131 military installation as specified in s. 163.3175.

3132 (o) Any self-storage warehousing that does not allow retail

576-03808-18

20181244c2

3133 or other services.

3134 (p) Any proposed nursing home or assisted living facility.

3135 (q) Any development identified in an airport master plan

3136 and adopted into the comprehensive plan pursuant to s.

3137 163.3177(6)(b)4.

3138 (r) Any development identified in a campus master plan and
3139 adopted pursuant to s. 1013.30.

3140 (s) Any development in a detailed specific area plan
3141 prepared and adopted pursuant to s. 163.3245.

3142 (t) Any proposed solid mineral mine and any proposed
3143 addition to, expansion of, or change to an existing solid
3144 mineral mine. A mine owner must, however, enter into a binding
3145 agreement with the Department of Transportation to mitigate
3146 impacts to strategic intermodal system facilities. Proposed
3147 changes to any previously approved solid mineral mine
3148 development-of-regional-impact development orders having vested
3149 rights are not subject to further review or approval as a
3150 development-of-regional-impact or notice-of-proposed-change
3151 review or approval pursuant to subsection (19), except for those
3152 applications pending as of July 1, 2011, which are governed by
3153 s. 380.115(2). Notwithstanding this requirement, pursuant to s.
3154 380.115(1), a previously approved solid mineral mine
3155 development-of-regional-impact development order continues to
3156 have vested rights and continues to be effective unless
3157 rescinded by the developer. All local government regulations of
3158 proposed solid mineral mines are applicable to any new solid
3159 mineral mine or to any proposed addition to, expansion of, or
3160 change to an existing solid mineral mine.

3161 (u) Notwithstanding any provision in an agreement with or

576-03808-18

20181244c2

3162 among a local government, regional agency, or the state land
3163 planning agency or in a local government's comprehensive plan to
3164 the contrary, a project no longer subject to development-of-
3165 regional-impact review under the revised thresholds specified in
3166 s. 380.06(2)(b) and this section.

3167 (v) Any development within a county that has a research and
3168 education authority created by special act and which is also
3169 within a research and development park that is operated or
3170 managed by a research and development authority pursuant to part
3171 V of chapter 159.

3172 (w) Any development in an energy economic zone designated
3173 pursuant to s. 377.809 upon approval by its local governing
3174 body.

3175
3176 If a use is exempt from review pursuant to paragraphs (a)-(u),
3177 but will be part of a larger project that is subject to review
3178 pursuant to s. 380.06(12), the impact of the exempt use must be
3179 included in the review of the larger project, unless such exempt
3180 use involves a development that includes a landowner, tenant, or
3181 user that has entered into a funding agreement with the state
3182 land planning agency under the Innovation Incentive Program and
3183 the agreement contemplates a state award of at least \$50
3184 million.

3185 (3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.

3186 (a) The following are exempt from the requirements of s.
3187 380.06:

3188 1. Any proposed development in a municipality having an
3189 average of at least 1,000 people per square mile of land area
3190 and a minimum total population of at least 5,000;

576-03808-18

20181244c2

3191 2. Any proposed development within a county, including the
3192 municipalities located therein, having an average of at least
3193 1,000 people per square mile of land area and the development is
3194 located within an urban service area as defined in s. 163.3164
3195 which has been adopted into the comprehensive plan as defined in
3196 s. 163.3164;

3197 3. Any proposed development within a county, including the
3198 municipalities located therein, having a population of at least
3199 900,000 and an average of at least 1,000 people per square mile
3200 of land area, but which does not have an urban service area
3201 designated in the comprehensive plan; and

3202 4. Any proposed development within a county, including the
3203 municipalities located therein, having a population of at least
3204 1 million and the development is located within an urban service
3205 area as defined in s. 163.3164 which has been adopted into the
3206 comprehensive plan.

3207
3208 The Office of Economic and Demographic Research within the
3209 Legislature shall annually calculate the population and density
3210 criteria needed to determine which jurisdictions meet the
3211 density criteria in subparagraphs 1.-4. by using the most recent
3212 land area data from the decennial census conducted by the Bureau
3213 of the Census of the United States Department of Commerce and
3214 the latest available population estimates determined pursuant to
3215 s. 186.901. If any local government has had an annexation,
3216 contraction, or new incorporation, the Office of Economic and
3217 Demographic Research shall determine the population density
3218 using the new jurisdictional boundaries as recorded in
3219 accordance with s. 171.091. The Office of Economic and

576-03808-18

20181244c2

3220 Demographic Research shall annually submit to the state land
3221 planning agency by July 1 a list of jurisdictions that meet the
3222 total population and density criteria. The state land planning
3223 agency shall publish the list of jurisdictions on its website
3224 within 7 days after the list is received. The designation of
3225 jurisdictions that meet the criteria of subparagraphs 1.-4. is
3226 effective upon publication on the state land planning agency's
3227 website. If a municipality that has previously met the criteria
3228 no longer meets the criteria, the state land planning agency
3229 must maintain the municipality on the list and indicate the year
3230 the jurisdiction last met the criteria. However, any proposed
3231 development of regional impact not within the established
3232 boundaries of a municipality at the time the municipality last
3233 met the criteria must meet the requirements of this section
3234 until the municipality as a whole meets the criteria. Any county
3235 that meets the criteria must remain on the list. Any
3236 jurisdiction that was placed on the dense urban land area list
3237 before June 2, 2011, must remain on the list.

3238 (b) If a municipality that does not qualify as a dense
3239 urban land area pursuant to paragraph (a) designates any of the
3240 following areas in its comprehensive plan, any proposed
3241 development within the designated area is exempt from s. 380.06
3242 unless otherwise required by part II of chapter 163:

- 3243 1. Urban infill as defined in s. 163.3164;
- 3244 2. Community redevelopment areas as defined in s. 163.340;
- 3245 3. Downtown revitalization areas as defined in s. 163.3164;
- 3246 4. Urban infill and redevelopment under s. 163.2517; or
- 3247 5. Urban service areas as defined in s. 163.3164 or areas
3248 within a designated urban service area boundary pursuant to s.

576-03808-18

20181244c2

3249 163.3177(14), Florida Statutes 2010.

3250 (c) If a county that does not qualify as a dense urban land
3251 area designates any of the following areas in its comprehensive
3252 plan, any proposed development within the designated area is
3253 exempt from the development-of-regional-impact process:

3254 1. Urban infill as defined in s. 163.3164;

3255 2. Urban infill and redevelopment pursuant to s. 163.2517;

3256 or

3257 3. Urban service areas as defined in s. 163.3164.

3258 (d) If any portion of a development is located in an area
3259 that is not exempt from review under s. 380.06, the development
3260 must undergo review pursuant to that section.

3261 (e) In an area that is exempt under paragraphs (a), (b),
3262 and (c), any previously approved development-of-regional-impact
3263 development orders shall continue to be effective. However, the
3264 developer has the option to be governed by s. 380.115(1).

3265 (f) If a local government qualifies as a dense urban land
3266 area under this subsection and is subsequently found to be
3267 ineligible for designation as a dense urban land area, any
3268 development located within that area which has a complete,
3269 pending application for authorization to commence development
3270 shall maintain the exemption if the developer is continuing the
3271 application process in good faith or the development is
3272 approved.

3273 (g) This subsection does not limit or modify the rights of
3274 any person to complete any development that has been authorized
3275 as a development of regional impact pursuant to this chapter.

3276 (h) This subsection does not apply to areas:

3277 1. Within the boundary of any area of critical state

576-03808-18

20181244c2

3278 concern designated pursuant to s. 380.05;
3279 2. Within the boundary of the Wekiva Study Area as
3280 described in s. 369.316; or
3281 3. Within 2 miles of the boundary of the Everglades
3282 Protection Area as defined in s. 373.4592.
3283 (4) PARTIAL STATUTORY EXEMPTIONS.—
3284 (a) If the binding agreement referenced under paragraph
3285 (2)(1) for urban service boundaries is not entered into within
3286 12 months after establishment of the urban service area
3287 boundary, the review pursuant to s. 380.06(12) for projects
3288 within the urban service area boundary must address
3289 transportation impacts only.
3290 (b) If the binding agreement referenced under paragraph
3291 (2)(m) for rural land stewardship areas is not entered into
3292 within 12 months after the designation of a rural land
3293 stewardship area, the review pursuant to s. 380.06(12) for
3294 projects within the rural land stewardship area must address
3295 transportation impacts only.
3296 (c) If the binding agreement for designated urban infill
3297 and redevelopment areas is not entered into within 12 months
3298 after the designation of the area or July 1, 2007, whichever
3299 occurs later, the review pursuant to s. 380.06(12) for projects
3300 within the urban infill and redevelopment area must address
3301 transportation impacts only.
3302 (d) A local government that does not wish to enter into a
3303 binding agreement or that is unable to agree on the terms of the
3304 agreement referenced under paragraph (2)(1) or paragraph (2)(m)
3305 must provide written notification to the state land planning
3306 agency of the decision to not enter into a binding agreement or

576-03808-18

20181244c2

3307 the failure to enter into a binding agreement within the 12-
3308 month period referenced in paragraphs (a), (b), and (c).
3309 Following the notification of the state land planning agency, a
3310 review pursuant to s. 380.06(12) for projects within an urban
3311 service area boundary under paragraph (2)(l), or a rural land
3312 stewardship area under paragraph (2)(m), must address
3313 transportation impacts only.

3314 (e) The vesting provision of s. 163.3167(5) relating to an
3315 authorized development of regional impact does not apply to
3316 those projects partially exempt from s. 380.06 under paragraphs
3317 (a)-(d) of this subsection.

3318 ~~(4) Two or more developments, represented by their owners~~
3319 ~~or developers to be separate developments, shall be aggregated~~
3320 ~~and treated as a single development under this chapter when they~~
3321 ~~are determined to be part of a unified plan of development and~~
3322 ~~are physically proximate to one other.~~

3323 ~~(a) The criteria of three of the following subparagraphs~~
3324 ~~must be met in order for the state land planning agency to~~
3325 ~~determine that there is a unified plan of development:~~

3326 ~~1.a. The same person has retained or shared control of the~~
3327 ~~developments;~~

3328 ~~b. The same person has ownership or a significant legal or~~
3329 ~~equitable interest in the developments; or~~

3330 ~~e. There is common management of the developments~~
3331 ~~controlling the form of physical development or disposition of~~
3332 ~~parcels of the development.~~

3333 ~~2. There is a reasonable closeness in time between the~~
3334 ~~completion of 80 percent or less of one development and the~~
3335 ~~submission to a governmental agency of a master plan or series~~

576-03808-18

20181244c2

3336 ~~of plans or drawings for the other development which is~~
3337 ~~indicative of a common development effort.~~

3338 ~~3. A master plan or series of plans or drawings exists~~
3339 ~~covering the developments sought to be aggregated which have~~
3340 ~~been submitted to a local general purpose government, water~~
3341 ~~management district, the Florida Department of Environmental~~
3342 ~~Protection, or the Division of Florida Condominiums, Timeshares,~~
3343 ~~and Mobile Homes for authorization to commence development. The~~
3344 ~~existence or implementation of a utility's master utility plan~~
3345 ~~required by the Public Service Commission or general purpose~~
3346 ~~local government or a master drainage plan shall not be the sole~~
3347 ~~determinant of the existence of a master plan.~~

3348 ~~4. There is a common advertising scheme or promotional plan~~
3349 ~~in effect for the developments sought to be aggregated.~~

3350 ~~(b) The following activities or circumstances shall not be~~
3351 ~~considered in determining whether to aggregate two or more~~
3352 ~~developments:~~

3353 ~~1. Activities undertaken leading to the adoption or~~
3354 ~~amendment of any comprehensive plan element described in part II~~
3355 ~~of chapter 163.~~

3356 ~~2. The sale of unimproved parcels of land, where the seller~~
3357 ~~does not retain significant control of the future development of~~
3358 ~~the parcels.~~

3359 ~~3. The fact that the same lender has a financial interest,~~
3360 ~~including one acquired through foreclosure, in two or more~~
3361 ~~parcels, so long as the lender is not an active participant in~~
3362 ~~the planning, management, or development of the parcels in which~~
3363 ~~it has an interest.~~

3364 ~~4. Drainage improvements that are not designed to~~

576-03808-18

20181244c2

3365 ~~accommodate the types of development listed in the guidelines~~
3366 ~~and standards contained in or adopted pursuant to this chapter~~
3367 ~~or which are not designed specifically to accommodate the~~
3368 ~~developments sought to be aggregated.~~

3369 ~~(c) Aggregation is not applicable when the following~~
3370 ~~circumstances and provisions of this chapter apply:~~

3371 ~~1. Developments that are otherwise subject to aggregation~~
3372 ~~with a development of regional impact which has received~~
3373 ~~approval through the issuance of a final development order may~~
3374 ~~not be aggregated with the approved development of regional~~
3375 ~~impact. However, this subparagraph does not preclude the state~~
3376 ~~land planning agency from evaluating an allegedly separate~~
3377 ~~development as a substantial deviation pursuant to s. 380.06(19)~~
3378 ~~or as an independent development of regional impact.~~

3379 ~~2. Two or more developments, each of which is independently~~
3380 ~~a development of regional impact that has or will obtain a~~
3381 ~~development order pursuant to s. 380.06.~~

3382 ~~3. Completion of any development that has been vested~~
3383 ~~pursuant to s. 380.05 or s. 380.06, including vested rights~~
3384 ~~arising out of agreements entered into with the state land~~
3385 ~~planning agency for purposes of resolving vested rights issues.~~
3386 ~~Development of regional impact review of additions to vested~~
3387 ~~developments of regional impact shall not include review of the~~
3388 ~~impacts resulting from the vested portions of the development.~~

3389 ~~4. The developments sought to be aggregated were authorized~~
3390 ~~to commence development before September 1, 1988, and could not~~
3391 ~~have been required to be aggregated under the law existing~~
3392 ~~before that date.~~

3393 ~~5. Any development that qualifies for an exemption under s.~~

576-03808-18

20181244c2

3394 ~~380.06(29).~~

3395 ~~6. Newly acquired lands intended for development in~~
3396 ~~coordination with a developed and existing development of~~
3397 ~~regional impact are not subject to aggregation if the newly~~
3398 ~~acquired lands comprise an area that is equal to or less than 10~~
3399 ~~percent of the total acreage subject to an existing development~~
3400 ~~of regional impact development order.~~

3401 ~~(d) The provisions of this subsection shall be applied~~
3402 ~~prospectively from September 1, 1988. Written decisions,~~
3403 ~~agreements, and binding letters of interpretation made or issued~~
3404 ~~by the state land planning agency prior to July 1, 1988, shall~~
3405 ~~not be affected by this subsection.~~

3406 ~~(e) In order to encourage developers to design, finance,~~
3407 ~~donate, or build infrastructure, public facilities, or services,~~
3408 ~~the state land planning agency may enter into binding agreements~~
3409 ~~with two or more developers providing that the joint planning,~~
3410 ~~sharing, or use of specified public infrastructure, facilities,~~
3411 ~~or services by the developers shall not be considered in any~~
3412 ~~subsequent determination of whether a unified plan of~~
3413 ~~development exists for their developments. Such binding~~
3414 ~~agreements may authorize the developers to pool impact fees or~~
3415 ~~impact fee credits, or to enter into front-end agreements, or~~
3416 ~~other financing arrangements by which they collectively agree to~~
3417 ~~design, finance, donate, or build such public infrastructure,~~
3418 ~~facilities, or services. Such agreements shall be conditioned~~
3419 ~~upon a subsequent determination by the appropriate local~~
3420 ~~government of consistency with the approved local government~~
3421 ~~comprehensive plan and land development regulations.~~
3422 ~~Additionally, the developers must demonstrate that the provision~~

576-03808-18

20181244c2

3423 ~~and sharing of public infrastructure, facilities, or services is~~
3424 ~~in the public interest and not merely for the benefit of the~~
3425 ~~developments which are the subject of the agreement.~~
3426 ~~Developments that are the subject of an agreement pursuant to~~
3427 ~~this paragraph shall be aggregated if the state land planning~~
3428 ~~agency determines that sufficient aggregation factors are~~
3429 ~~present to require aggregation without considering the design~~
3430 ~~features, financial arrangements, donations, or construction~~
3431 ~~that are specified in and required by the agreement.~~

3432 ~~(f) The state land planning agency has authority to adopt~~
3433 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~
3434 ~~provisions of this subsection.~~

3435 Section 5. Section 380.07, Florida Statutes, is amended to
3436 read:

3437 380.07 Florida Land and Water Adjudicatory Commission.—

3438 (1) There is hereby created the Florida Land and Water
3439 Adjudicatory Commission, which shall consist of the
3440 Administration Commission. The commission may adopt rules
3441 necessary to ensure compliance with the area of critical state
3442 concern program ~~and the requirements for developments of~~
3443 ~~regional impact as set forth in this chapter.~~

3444 (2) Whenever any local government issues any development
3445 order in any area of critical state concern, or in regard to the
3446 abandonment of any approved development of regional impact,
3447 copies of such orders as prescribed by rule by the state land
3448 planning agency shall be transmitted to the state land planning
3449 agency, the regional planning agency, and the owner or developer
3450 of the property affected by such order. The state land planning
3451 agency shall adopt rules describing development order rendition

576-03808-18

20181244c2

3452 and effectiveness in designated areas of critical state concern.
3453 Within 45 days after the order is rendered, the owner, the
3454 developer, or the state land planning agency may appeal the
3455 order to the Florida Land and Water Adjudicatory Commission by
3456 filing a petition alleging that the development order is not
3457 consistent with ~~the provisions of this part. The appropriate~~
3458 ~~regional planning agency by vote at a regularly scheduled~~
3459 ~~meeting may recommend that the state land planning agency~~
3460 ~~undertake an appeal of a development of regional impact~~
3461 ~~development order. Upon the request of an appropriate regional~~
3462 ~~planning council, affected local government, or any citizen, the~~
3463 ~~state land planning agency shall consider whether to appeal the~~
3464 ~~order and shall respond to the request within the 45-day appeal~~
3465 ~~period.~~

3466 (3) Notwithstanding any other provision of law, an appeal
3467 of a development order in an area of critical state concern by
3468 the state land planning agency under this section may include
3469 consistency of the development order with the local
3470 comprehensive plan. ~~However, if a development order relating to~~
3471 ~~a development of regional impact has been challenged in a~~
3472 ~~proceeding under s. 163.3215 and a party to the proceeding~~
3473 ~~serves notice to the state land planning agency of the pending~~
3474 ~~proceeding under s. 163.3215, the state land planning agency~~
3475 ~~shall:~~

3476 (a) ~~Raise its consistency issues by intervening as a full~~
3477 ~~party in the pending proceeding under s. 163.3215 within 30 days~~
3478 ~~after service of the notice; and~~

3479 (b) ~~Dismiss the consistency issues from the development~~
3480 ~~order appeal.~~

576-03808-18

20181244c2

3481 (4) ~~The appellant shall furnish a copy of the petition to~~
3482 ~~the opposing party, as the case may be, and to the local~~
3483 ~~government that issued the order. The filing of the petition~~
3484 ~~stays the effectiveness of the order until after the completion~~
3485 ~~of the appeal process.~~

3486 (5) ~~The 45-day appeal period for a development of regional~~
3487 ~~impact within the jurisdiction of more than one local government~~
3488 ~~shall not commence until after all the local governments having~~
3489 ~~jurisdiction over the proposed development of regional impact~~
3490 ~~have rendered their development orders.~~ The appellant shall
3491 furnish a copy of the notice of appeal to the opposing party, as
3492 the case may be, and to the local government that ~~which~~ issued
3493 the order. The filing of the notice of appeal stays ~~shall stay~~
3494 the effectiveness of the order until after the completion of the
3495 appeal process.

3496 (5)(6) Before ~~Prior to~~ issuing an order, the Florida Land
3497 and Water Adjudicatory Commission shall hold a hearing pursuant
3498 to ~~the provisions of~~ chapter 120. The commission shall encourage
3499 the submission of appeals on the record made pursuant to
3500 subsection (7) ~~below~~ in cases in which the development order was
3501 issued after a full and complete hearing before the local
3502 government or an agency thereof.

3503 (6)(7) The Florida Land and Water Adjudicatory Commission
3504 shall issue a decision granting or denying permission to develop
3505 pursuant to the standards of this chapter and may attach
3506 conditions and restrictions to its decisions.

3507 (7)(8) If an appeal is filed with respect to any issues
3508 within the scope of a permitting program authorized by chapter
3509 161, chapter 373, or chapter 403 and for which a permit or

576-03808-18

20181244c2

3510 conceptual review approval has been obtained before ~~prior to~~ the
3511 issuance of a development order, any such issue shall be
3512 specifically identified in the notice of appeal which is filed
3513 pursuant to this section, together with other issues that ~~which~~
3514 constitute grounds for the appeal. The appeal may proceed with
3515 respect to issues within the scope of permitting programs for
3516 which a permit or conceptual review approval has been obtained
3517 before ~~prior to~~ the issuance of a development order only after
3518 the commission determines by majority vote at a regularly
3519 scheduled commission meeting that statewide or regional
3520 interests may be adversely affected by the development. In
3521 making this determination, there is ~~shall be~~ a rebuttable
3522 presumption that statewide and regional interests relating to
3523 issues within the scope of the permitting programs for which a
3524 permit or conceptual approval has been obtained are not
3525 adversely affected.

3526 Section 6. Section 380.115, Florida Statutes, is amended to
3527 read:

3528 380.115 Vested rights and duties; effect of size reduction,
3529 changes in statewide guidelines and standards.—

3530 ~~(1) A change in a development of regional impact guideline~~
3531 ~~and standard does not abridge or modify any vested or other~~
3532 ~~right or any duty or obligation pursuant to any development~~
3533 ~~order or agreement that is applicable to a development of~~
3534 ~~regional impact. A development that has received a development-~~
3535 ~~of-regional-impact development order pursuant to s. 380.06 but~~
3536 ~~is no longer required to undergo development-of-regional-impact~~
3537 ~~review by operation of law may elect a change in the guidelines~~
3538 ~~and standards, a development that has reduced its size below the~~

576-03808-18

20181244c2

3539 ~~thresholds as specified in s. 380.0651, a development that is~~
3540 ~~exempt pursuant to s. 380.06(24) or (29), or a development that~~
3541 ~~elects to rescind the development order pursuant to are governed~~
3542 ~~by the following procedures:~~

3543 (1) ~~(a)~~ The development shall continue to be governed by the
3544 development-of-regional-impact development order and may be
3545 completed in reliance upon and pursuant to the development order
3546 unless the developer or landowner has followed the procedures
3547 for rescission in subsection (2) paragraph (b). Any proposed
3548 changes to developments which continue to be governed by a
3549 development-of-regional-impact development order must be
3550 approved pursuant to s. 380.06(7) ~~s. 380.06(19)~~ as it existed
3551 ~~before a change in the development-of-regional-impact guidelines~~
3552 ~~and standards, except that all percentage criteria are doubled~~
3553 ~~and all other criteria are increased by 10 percent. The local~~
3554 government issuing the development order must monitor the
3555 development and enforce the development order. Local governments
3556 may not issue any permits or approvals or provide any extensions
3557 of services if the developer fails to act in substantial
3558 compliance with the development order. The development-of-
3559 regional-impact development order may be enforced ~~by the local~~
3560 ~~government~~ as provided in s. 380.11 ~~ss. 380.06(17) and 380.11.~~

3561 (2) ~~(b)~~ If requested by the developer or landowner, the
3562 development-of-regional-impact development order shall be
3563 rescinded by the local government having jurisdiction upon a
3564 showing that all required mitigation related to the amount of
3565 development that existed on the date of rescission has been
3566 completed or will be completed under an existing permit or
3567 equivalent authorization issued by a governmental agency as

576-03808-18

20181244c2

3568 defined in s. 380.031(6), if such permit or authorization is
3569 subject to enforcement through administrative or judicial
3570 remedies.

3571 ~~(2) A development with an application for development~~
3572 ~~approval pending, pursuant to s. 380.06, on the effective date~~
3573 ~~of a change to the guidelines and standards, or a notification~~
3574 ~~of proposed change pending on the effective date of a change to~~
3575 ~~the guidelines and standards, may elect to continue such review~~
3576 ~~pursuant to s. 380.06. At the conclusion of the pending review,~~
3577 ~~including any appeals pursuant to s. 380.07, the resulting~~
3578 ~~development order shall be governed by the provisions of~~
3579 ~~subsection (1).~~

3580 ~~(3) A landowner that has filed an application for a~~
3581 ~~development of regional impact review prior to the adoption of a~~
3582 ~~sector plan pursuant to s. 163.3245 may elect to have the~~
3583 ~~application reviewed pursuant to s. 380.06, comprehensive plan~~
3584 ~~provisions in force prior to adoption of the sector plan, and~~
3585 ~~any requested comprehensive plan amendments that accompany the~~
3586 ~~application.~~

3587 Section 7. Paragraph (c) of subsection (1) of section
3588 125.68, Florida Statutes, is amended to read:

3589 125.68 Codification of ordinances; exceptions; public
3590 record.—

3591 (1)

3592 (c) The following ordinances are exempt from codification
3593 and annual publication requirements:

3594 1. Any development agreement, or amendment to such
3595 agreement, adopted by ordinance pursuant to ss. 163.3220-
3596 163.3243.

576-03808-18

20181244c2

3597 2. Any development order, or amendment to such order,
3598 adopted by ordinance pursuant to s. 380.06(4) ~~s. 380.06(15)~~.

3599 Section 8. Paragraph (e) of subsection (3), subsection (6),
3600 and subsection (12) of section 163.3245, Florida Statutes, are
3601 amended to read:

3602 163.3245 Sector plans.—

3603 (3) Sector planning encompasses two levels: adoption
3604 pursuant to s. 163.3184 of a long-term master plan for the
3605 entire planning area as part of the comprehensive plan, and
3606 adoption by local development order of two or more detailed
3607 specific area plans that implement the long-term master plan and
3608 within which s. 380.06 is waived.

3609 (e) Whenever a local government issues a development order
3610 approving a detailed specific area plan, a copy of such order
3611 shall be rendered to the state land planning agency and the
3612 owner or developer of the property affected by such order, as
3613 prescribed by rules of the state land planning agency for a
3614 development order for a development of regional impact. Within
3615 45 days after the order is rendered, the owner, the developer,
3616 or the state land planning agency may appeal the order to the
3617 Florida Land and Water Adjudicatory Commission by filing a
3618 petition alleging that the detailed specific area plan is not
3619 consistent with the comprehensive plan or with the long-term
3620 master plan adopted pursuant to this section. The appellant
3621 shall furnish a copy of the petition to the opposing party, as
3622 the case may be, and to the local government that issued the
3623 order. The filing of the petition stays the effectiveness of the
3624 order until after completion of the appeal process. However, if
3625 a development order approving a detailed specific area plan has

576-03808-18

20181244c2

3626 been challenged by an aggrieved or adversely affected party in a
3627 judicial proceeding pursuant to s. 163.3215, and a party to such
3628 proceeding serves notice to the state land planning agency, the
3629 state land planning agency shall dismiss its appeal to the
3630 commission and shall have the right to intervene in the pending
3631 judicial proceeding pursuant to s. 163.3215. Proceedings for
3632 administrative review of an order approving a detailed specific
3633 area plan shall be conducted consistent with s. 380.07(5) ~~s.~~
3634 ~~380.07(6)~~. The commission shall issue a decision granting or
3635 denying permission to develop pursuant to the long-term master
3636 plan and the standards of this part and may attach conditions or
3637 restrictions to its decisions.

3638 (6) An applicant who applied ~~Concurrent with or subsequent~~
3639 ~~to review and adoption of a long-term master plan pursuant to~~
3640 ~~paragraph (3)(a), an applicant may apply~~ for master development
3641 approval pursuant to s. 380.06 ~~s. 380.06(21)~~ for the entire
3642 planning area shall remain subject to the master development
3643 order ~~in order to establish a buildout date until which the~~
3644 ~~approved uses and densities and intensities of use of the master~~
3645 ~~plan are not subject to downzoning, unit density reduction, or~~
3646 ~~intensity reduction, unless~~ the developer elects to rescind the
3647 development order pursuant to s. 380.115, the development order
3648 is abandoned pursuant to s. 380.06(11), or the local government
3649 can demonstrate that implementation of the master plan is not
3650 continuing in good faith based on standards established by plan
3651 policy, that substantial changes in the conditions underlying
3652 the approval of the master plan have occurred, that the master
3653 plan was based on substantially inaccurate information provided
3654 by the applicant, or that change is clearly established to be

576-03808-18

20181244c2

3655 essential to the public health, safety, or welfare. ~~Review of~~
3656 ~~the application for master development approval shall be at a~~
3657 ~~level of detail appropriate for the long-term and conceptual~~
3658 ~~nature of the long-term master plan and, to the maximum extent~~
3659 ~~possible, may only consider information provided in the~~
3660 ~~application for a long-term master plan.~~ Notwithstanding s.
3661 380.06, an increment of development in such an approved master
3662 development plan must be approved by a detailed specific area
3663 plan pursuant to paragraph (3) (b) and is exempt from review
3664 pursuant to s. 380.06.

3665 (12) Notwithstanding s. 380.06, this part, or any planning
3666 agreement or plan policy, a landowner or developer who has
3667 received approval of a master development-of-regional-impact
3668 development order pursuant to s. 380.06(9) ~~s. 380.06(21)~~ may
3669 apply to implement this order by filing one or more applications
3670 to approve a detailed specific area plan pursuant to paragraph
3671 (3) (b).

3672 Section 9. Subsections (11), (12), and (14) of section
3673 163.3246, Florida Statutes, are amended to read:

3674 163.3246 Local government comprehensive planning
3675 certification program.—

3676 (11) If the local government of an area described in
3677 subsection (10) does not request that the state land planning
3678 agency review the developments of regional impact that are
3679 proposed within the certified area, an application for approval
3680 of a development order within the certified area is ~~shall be~~
3681 exempt from ~~review under~~ s. 380.06.

3682 (12) A local government's certification shall be reviewed
3683 by the local government and the state land planning agency as

576-03808-18

20181244c2

3684 part of the evaluation and appraisal process pursuant to s.
3685 163.3191. Within 1 year after the deadline for the local
3686 government to update its comprehensive plan based on the
3687 evaluation and appraisal, the state land planning agency must
3688 ~~shall~~ renew or revoke the certification. The local government's
3689 failure to timely adopt necessary amendments to update its
3690 comprehensive plan based on an evaluation and appraisal, which
3691 are found to be in compliance by the state land planning agency,
3692 is ~~shall be~~ cause for revoking the certification agreement. The
3693 state land planning agency's decision to renew or revoke is
3694 ~~shall be considered~~ agency action subject to challenge under s.
3695 120.569.

3696 (14) It is the intent of the Legislature to encourage the
3697 creation of connected-city corridors that facilitate the growth
3698 of high-technology industry and innovation through partnerships
3699 that support research, marketing, workforce, and
3700 entrepreneurship. It is the further intent of the Legislature to
3701 provide for a locally controlled, comprehensive plan amendment
3702 process for such projects that are designed to achieve a
3703 cleaner, healthier environment; limit urban sprawl by promoting
3704 diverse but interconnected communities; provide a range of
3705 intergenerational housing types; protect wildlife and natural
3706 areas; assure the efficient use of land and other resources;
3707 create quality communities of a design that promotes alternative
3708 transportation networks and travel by multiple transportation
3709 modes; and enhance the prospects for the creation of jobs. The
3710 Legislature finds and declares that this state's connected-city
3711 corridors require a reduced level of state and regional
3712 oversight because of their high degree of urbanization and the

576-03808-18

20181244c2

3713 planning capabilities and resources of the local government.

3714 (a) Notwithstanding subsections (2), (4), (5), (6), and
3715 (7), Pasco County is named a pilot community and shall be
3716 considered certified for a period of 10 years for connected-city
3717 corridor plan amendments. The state land planning agency shall
3718 provide a written notice of certification to Pasco County by
3719 July 15, 2015, which shall be considered a final agency action
3720 subject to challenge under s. 120.569. The notice of
3721 certification must include:

3722 1. The boundary of the connected-city corridor
3723 certification area; and

3724 2. A requirement that Pasco County submit an annual or
3725 biennial monitoring report to the state land planning agency
3726 according to the schedule provided in the written notice. The
3727 monitoring report must, at a minimum, include the number of
3728 amendments to the comprehensive plan adopted by Pasco County,
3729 the number of plan amendments challenged by an affected person,
3730 and the disposition of such challenges.

3731 (b) A plan amendment adopted under this subsection may be
3732 based upon a planning period longer than the generally
3733 applicable planning period of the Pasco County local
3734 comprehensive plan, must specify the projected population within
3735 the planning area during the chosen planning period, may include
3736 a phasing or staging schedule that allocates a portion of Pasco
3737 County's future growth to the planning area through the planning
3738 period, and may designate a priority zone or subarea within the
3739 connected-city corridor for initial implementation of the plan.
3740 A plan amendment adopted under this subsection is not required
3741 to demonstrate need based upon projected population growth or on

576-03808-18

20181244c2

3742 any other basis.

3743 (c) If Pasco County adopts a long-term transportation
3744 network plan and financial feasibility plan, and subject to
3745 compliance with the requirements of such a plan, the projects
3746 within the connected-city corridor are deemed to have satisfied
3747 all concurrency and other state agency or local government
3748 transportation mitigation requirements except for site-specific
3749 access management requirements.

3750 (d) If Pasco County does not request that the state land
3751 planning agency review the developments of regional impact that
3752 are proposed within the certified area, an application for
3753 approval of a development order within the certified area is
3754 exempt from ~~review under~~ s. 380.06.

3755 (e) The Office of Program Policy Analysis and Government
3756 Accountability (OPPAGA) shall submit to the Governor, the
3757 President of the Senate, and the Speaker of the House of
3758 Representatives by December 1, 2024, a report and
3759 recommendations for implementing a statewide program that
3760 addresses the legislative findings in this subsection. In
3761 consultation with the state land planning agency, OPPAGA shall
3762 develop the report and recommendations with input from other
3763 state and regional agencies, local governments, and interest
3764 groups. OPPAGA shall also solicit citizen input in the
3765 potentially affected areas and consult with the affected local
3766 government and stakeholder groups. Additionally, OPPAGA shall
3767 review local and state actions and correspondence relating to
3768 the pilot program to identify issues of process and substance in
3769 recommending changes to the pilot program. At a minimum, the
3770 report and recommendations must include:

576-03808-18

20181244c2

3771 1. Identification of local governments other than the local
3772 government participating in the pilot program which should be
3773 certified. The report may also recommend that a local government
3774 is no longer appropriate for certification; and

3775 2. Changes to the certification pilot program.

3776 Section 10. Subsection (4) of section 189.08, Florida
3777 Statutes, is amended to read:

3778 189.08 Special district public facilities report.—

3779 (4) Those special districts building, improving, or
3780 expanding public facilities addressed by a development order
3781 issued to the developer pursuant to s. 380.06 may use the most
3782 recent local government annual report required by s. 380.06(6)
3783 ~~s. 380.06(15) and (18)~~ and submitted by the developer, to the
3784 extent the annual report provides the information required by
3785 subsection (2).

3786 Section 11. Subsection (2) of section 190.005, Florida
3787 Statutes, is amended to read:

3788 190.005 Establishment of district.—

3789 (2) The exclusive and uniform method for the establishment
3790 of a community development district of less than 2,500 acres in
3791 size or a community development district of up to 7,000 acres in
3792 size located within a connected-city corridor established
3793 pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~ shall be pursuant to
3794 an ordinance adopted by the county commission of the county
3795 having jurisdiction over the majority of land in the area in
3796 which the district is to be located granting a petition for the
3797 establishment of a community development district as follows:

3798 (a) A petition for the establishment of a community
3799 development district shall be filed by the petitioner with the

576-03808-18

20181244c2

3800 county commission. The petition shall contain the same
3801 information as required in paragraph (1) (a).

3802 (b) A public hearing on the petition shall be conducted by
3803 the county commission in accordance with the requirements and
3804 procedures of paragraph (1) (d).

3805 (c) The county commission shall consider the record of the
3806 public hearing and the factors set forth in paragraph (1) (e) in
3807 making its determination to grant or deny a petition for the
3808 establishment of a community development district.

3809 (d) The county commission may ~~shall~~ not adopt any ordinance
3810 which would expand, modify, or delete any provision of the
3811 uniform community development district charter as set forth in
3812 ss. 190.006-190.041. An ordinance establishing a community
3813 development district shall only include the matters provided for
3814 in paragraph (1) (f) unless the commission consents to any of the
3815 optional powers under s. 190.012(2) at the request of the
3816 petitioner.

3817 (e) If all of the land in the area for the proposed
3818 district is within the territorial jurisdiction of a municipal
3819 corporation, then the petition requesting establishment of a
3820 community development district under this act shall be filed by
3821 the petitioner with that particular municipal corporation. In
3822 such event, the duties of the county, hereinabove described, in
3823 action upon the petition shall be the duties of the municipal
3824 corporation. If any of the land area of a proposed district is
3825 within the land area of a municipality, the county commission
3826 may not create the district without municipal approval. If all
3827 of the land in the area for the proposed district, even if less
3828 than 2,500 acres, is within the territorial jurisdiction of two

576-03808-18

20181244c2

3829 or more municipalities or two or more counties, except for
3830 proposed districts within a connected-city corridor established
3831 pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~, the petition shall
3832 be filed with the Florida Land and Water Adjudicatory Commission
3833 and proceed in accordance with subsection (1).

3834 (f) Notwithstanding any other provision of this subsection,
3835 within 90 days after a petition for the establishment of a
3836 community development district has been filed pursuant to this
3837 subsection, the governing body of the county or municipal
3838 corporation may transfer the petition to the Florida Land and
3839 Water Adjudicatory Commission, which shall make the
3840 determination to grant or deny the petition as provided in
3841 subsection (1). A county or municipal corporation shall have no
3842 right or power to grant or deny a petition that has been
3843 transferred to the Florida Land and Water Adjudicatory
3844 Commission.

3845 Section 12. Paragraph (g) of subsection (1) of section
3846 190.012, Florida Statutes, is amended to read:

3847 190.012 Special powers; public improvements and community
3848 facilities.—The district shall have, and the board may exercise,
3849 subject to the regulatory jurisdiction and permitting authority
3850 of all applicable governmental bodies, agencies, and special
3851 districts having authority with respect to any area included
3852 therein, any or all of the following special powers relating to
3853 public improvements and community facilities authorized by this
3854 act:

3855 (1) To finance, fund, plan, establish, acquire, construct
3856 or reconstruct, enlarge or extend, equip, operate, and maintain
3857 systems, facilities, and basic infrastructures for the

576-03808-18

20181244c2

3858 following:

3859 (g) Any other project within or without the boundaries of a
3860 district when a local government issued a development order
3861 pursuant to s. 380.06 ~~or s. 380.061~~ approving or expressly
3862 requiring the construction or funding of the project by the
3863 district, or when the project is the subject of an agreement
3864 between the district and a governmental entity and is consistent
3865 with the local government comprehensive plan of the local
3866 government within which the project is to be located.

3867 Section 13. Paragraph (a) of subsection (1) of section
3868 252.363, Florida Statutes, is amended to read:

3869 252.363 Tolling and extension of permits and other
3870 authorizations.—

3871 (1) (a) The declaration of a state of emergency by the
3872 Governor tolls the period remaining to exercise the rights under
3873 a permit or other authorization for the duration of the
3874 emergency declaration. Further, the emergency declaration
3875 extends the period remaining to exercise the rights under a
3876 permit or other authorization for 6 months in addition to the
3877 tolled period. This paragraph applies to the following:

3878 1. The expiration of a development order issued by a local
3879 government.

3880 2. The expiration of a building permit.

3881 3. The expiration of a permit issued by the Department of
3882 Environmental Protection or a water management district pursuant
3883 to part IV of chapter 373.

3884 4. The buildout date of a development of regional impact,
3885 including any extension of a buildout date that was previously
3886 granted as specified in s. 380.06(7)(c) ~~pursuant to s.~~

576-03808-18

20181244c2

3887 ~~380.06(19)(c).~~

3888 Section 14. Subsection (4) of section 369.303, Florida
3889 Statutes, is amended to read:

3890 369.303 Definitions.—As used in this part:

3891 (4) "Development of regional impact" means a development
3892 that ~~which~~ is subject to ~~the review procedures established by s.~~
3893 ~~380.06 or s. 380.065, and s. 380.07.~~

3894 Section 15. Subsection (1) of section 369.307, Florida
3895 Statutes, is amended to read:

3896 369.307 Developments of regional impact in the Wekiva River
3897 Protection Area; land acquisition.—

3898 (1) Notwithstanding s. 380.06(4) ~~the provisions of s.~~
3899 ~~380.06(15)~~, the counties shall consider and issue the
3900 development permits applicable to a proposed development of
3901 regional impact which is located partially or wholly within the
3902 Wekiva River Protection Area at the same time as the development
3903 order approving, approving with conditions, or denying a
3904 development of regional impact.

3905 Section 16. Subsection (8) of section 373.236, Florida
3906 Statutes, is amended to read:

3907 373.236 Duration of permits; compliance reports.—

3908 (8) A water management district may issue a permit to an
3909 applicant, as set forth in s. 163.3245(13), for the same period
3910 of time as the applicant's approved master development order if
3911 the master development order was issued under s. 380.06(9) ~~s.~~
3912 ~~380.06(21)~~ by a county which, at the time the order was issued,
3913 was designated as a rural area of opportunity under s. 288.0656,
3914 was not located in an area encompassed by a regional water
3915 supply plan as set forth in s. 373.709(1), and was not located

576-03808-18

20181244c2

3916 within the basin management action plan of a first magnitude
3917 spring. In reviewing the permit application and determining the
3918 permit duration, the water management district shall apply s.
3919 163.3245(4)(b).

3920 Section 17. Subsection (13) of section 373.414, Florida
3921 Statutes, is amended to read:

3922 373.414 Additional criteria for activities in surface
3923 waters and wetlands.—

3924 (13) Any declaratory statement issued by the department
3925 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
3926 as amended, or pursuant to rules adopted thereunder, or by a
3927 water management district under s. 373.421, in response to a
3928 petition filed on or before June 1, 1994, shall continue to be
3929 valid for the duration of such declaratory statement. Any such
3930 petition pending on June 1, 1994, shall be exempt from the
3931 methodology ratified in s. 373.4211, but the rules of the
3932 department or the relevant water management district, as
3933 applicable, in effect prior to the effective date of s.
3934 373.4211, shall apply. Until May 1, 1998, activities within the
3935 boundaries of an area subject to a petition pending on June 1,
3936 1994, and prior to final agency action on such petition, shall
3937 be reviewed under the rules adopted pursuant to ss. 403.91-
3938 403.929, 1984 Supplement to the Florida Statutes 1983, as
3939 amended, and this part, in existence prior to the effective date
3940 of the rules adopted under subsection (9), unless the applicant
3941 elects to have such activities reviewed under the rules adopted
3942 under this part, as amended in accordance with subsection (9).
3943 In the event that a jurisdictional declaratory statement
3944 pursuant to the vegetative index in effect prior to the

576-03808-18

20181244c2

3945 effective date of chapter 84-79, Laws of Florida, has been
3946 obtained and is valid prior to the effective date of the rules
3947 adopted under subsection (9) or July 1, 1994, whichever is
3948 later, and the affected lands are part of a project for which a
3949 master development order has been issued pursuant to s.
3950 380.06(9) ~~s. 380.06(21)~~, the declaratory statement shall remain
3951 valid for the duration of the buildout period of the project.
3952 Any jurisdictional determination validated by the department
3953 pursuant to rule 17-301.400(8), Florida Administrative Code, as
3954 it existed in rule 17-4.022, Florida Administrative Code, on
3955 April 1, 1985, shall remain in effect for a period of 5 years
3956 following the effective date of this act if proof of such
3957 validation is submitted to the department prior to January 1,
3958 1995. In the event that a jurisdictional determination has been
3959 revalidated by the department pursuant to this subsection and
3960 the affected lands are part of a project for which a development
3961 order has been issued pursuant to s. 380.06(4) ~~s. 380.06(15)~~, a
3962 final development order to which s. 163.3167(5) applies has been
3963 issued, or a vested rights determination has been issued
3964 pursuant to s. 380.06(8) ~~s. 380.06(20)~~, the jurisdictional
3965 determination shall remain valid until the completion of the
3966 project, provided proof of such validation and documentation
3967 establishing that the project meets the requirements of this
3968 sentence are submitted to the department prior to January 1,
3969 1995. Activities proposed within the boundaries of a valid
3970 declaratory statement issued pursuant to a petition submitted to
3971 either the department or the relevant water management district
3972 on or before June 1, 1994, or a revalidated jurisdictional
3973 determination, prior to its expiration shall continue thereafter

576-03808-18

20181244c2

3974 to be exempt from the methodology ratified in s. 373.4211 and to
3975 be reviewed under the rules adopted pursuant to ss. 403.91-
3976 403.929, 1984 Supplement to the Florida Statutes 1983, as
3977 amended, and this part, in existence prior to the effective date
3978 of the rules adopted under subsection (9), unless the applicant
3979 elects to have such activities reviewed under the rules adopted
3980 under this part, as amended in accordance with subsection (9).

3981 Section 18. Subsection (5) of section 378.601, Florida
3982 Statutes, is amended to read:

3983 378.601 Heavy minerals.—

3984 (5) Any heavy mineral mining operation which annually mines
3985 less than 500 acres and whose proposed consumption of water is 3
3986 million gallons per day or less may ~~shall~~ not be subject
3987 ~~required to undergo development of regional impact review~~
3988 ~~pursuant~~ to s. 380.06, provided permits and plan approvals
3989 pursuant to either this section and part IV of chapter 373, or
3990 s. 378.901, are issued.

3991 Section 19. Section 380.065, Florida Statutes, is repealed.

3992 Section 20. Paragraph (a) of subsection (2) of section
3993 380.11, Florida Statutes, is amended to read:

3994 380.11 Enforcement; procedures; remedies.—

3995 (2) ADMINISTRATIVE REMEDIES.—

3996 (a) If the state land planning agency has reason to believe
3997 a violation of this part or any rule, development order, or
3998 other order issued hereunder or of any agreement entered into
3999 under s. 380.032(3) ~~or s. 380.06(8)~~ has occurred or is about to
4000 occur, it may institute an administrative proceeding pursuant to
4001 this section to prevent, abate, or control the conditions or
4002 activity creating the violation.

576-03808-18

20181244c2

4003 Section 21. Paragraph (b) of subsection (2) of section
4004 403.524, Florida Statutes, is amended to read:

4005 403.524 Applicability; certification; exemptions.—

4006 (2) Except as provided in subsection (1), construction of a
4007 transmission line may not be undertaken without first obtaining
4008 certification under this act, but this act does not apply to:

4009 (b) Transmission lines that have been exempted by a binding
4010 letter of interpretation issued under s. 380.06(3) ~~s. 380.06(4)~~,
4011 or in which the Department of Economic Opportunity or its
4012 predecessor agency has determined the utility to have vested
4013 development rights within the meaning of s. 380.05(18) or s.
4014 380.06(8) ~~s. 380.06(20)~~.

4015 Section 22. (1) The rules adopted by the state land
4016 planning agency to ensure uniform review of developments of
4017 regional impact by the state land planning agency and regional
4018 planning agencies and codified in chapter 73C-40, Florida
4019 Administrative Code, are repealed.

4020 (2) The rules adopted by the Administration Commission, as
4021 defined in s. 380.031, Florida Statutes, regarding whether two
4022 or more developments, represented by their owners or developers
4023 to be separate developments, shall be aggregated and treated as
4024 a single development under chapter 380, Florida Statutes, are
4025 repealed.

4026 Section 23. The Division of Law Revision and Information is
4027 directed to replace the phrase "the effective date of this act"
4028 where it occurs in this act with the date this act takes effect.

4029 Section 24. This act shall take effect upon becoming a law.