



1 A bill to be entitled
2 An act relating to local government; amending s.
3 112.3142, F.S.; specifying ethics training
4 requirements for community redevelopment agency
5 commissioners; amending s. 112.313, F.S.; authorizing
6 specified public officers to have a contractual or
7 employment relationship with certain law firms if
8 designated conditions are met; amending s. 163.3164,
9 F.S.; defining terms; prohibiting a person from
10 lobbying a community redevelopment agency until he or
11 she has registered as a lobbyist with the local
12 government entity; providing registration
13 requirements; requiring a local government entity to
14 make lobbyist registrations available to the public;
15 requiring a database of currently registered lobbyists
16 and principals to be available on certain websites;
17 requiring a lobbyist to send a written statement to
18 the local government entity canceling the registration
19 for a principal that he or she no longer represents;
20 authorizing a local government entity to remove the
21 name of a lobbyist from the list of registered
22 lobbyists under certain circumstances; authorizing a
23 local government entity to establish an annual
24 lobbyist registration fee, not to exceed a specified
25 amount; requiring a local government entity to be



26 diligent in ascertaining whether persons required to
27 register have complied, subject to certain
28 requirements; requiring the Commission on Ethics to
29 investigate a lobbyist or principal under certain
30 circumstances, subject to certain requirements;
31 requiring the commission to provide the Governor with
32 a report of its findings and recommendations in such
33 investigations; authorizing the Governor to enforce
34 the commission's findings and recommendations;
35 authorizing the Governor to enforce the commission's
36 findings and recommendations; authorizing local
37 government entities to adopt rules to govern the
38 registration of lobbyists; amending s. 163.3164, F.S.;
39 defining the term "master development plan" for
40 certain purposes; creating s. 163.31715, F.S.;
41 providing findings regarding services and benefits
42 provided by state universities; defining terms;
43 prohibiting certain parcels of real property within a
44 specified distance from a State University System
45 campus from being classified as rural land; providing
46 that certain parcels of real property are deemed to be
47 located within an urban service area or within an
48 urban development boundary; providing an exception;
49 amending s. 163.340, F.S.; revising the definition of
50 the term "blighted area"; amending s. 163.356, F.S.;



51 requiring a county or municipality, by resolution, to
52 petition the Legislature to create a new community
53 redevelopment agency; establishing procedures for
54 appointing members of the board of the community
55 redevelopment agency; providing reporting
56 requirements; deleting provisions requiring certain
57 annual reports; amending s. 163.367, F.S.; requiring
58 ethics training for community redevelopment agency
59 commissioners; amending s. 163.370, F.S.; revising the
60 list of projects that may not be financed by increment
61 revenues; establishing procurement procedures;
62 creating s. 163.371, F.S.; providing annual reporting
63 requirements; requiring publication of notices of
64 reports; requiring reports to be available for
65 inspection in designated places; requiring a community
66 redevelopment agency to post annual reports and
67 boundary maps on its website; creating s. 163.3756,
68 F.S.; providing legislative findings; requiring the
69 Department of Economic Opportunity to declare inactive
70 community redevelopment agencies that have reported no
71 financial activity for a specified number of years;
72 providing hearing procedures; authorizing certain
73 financial activity by a community redevelopment agency
74 that is declared inactive; requiring the Department of
75 Economic Opportunity to maintain a website identifying



76 | all inactive community redevelopment agencies;
77 | amending s. 163.387, F.S.; specifying the level of tax
78 | increment financing that the governing body may
79 | establish for funding the redevelopment trust fund;
80 | revising requirements for the expenditure of
81 | redevelopment trust fund proceeds; revising
82 | requirements for the annual budget of a community
83 | redevelopment agency; requiring municipal community
84 | redevelopment agencies to provide annual budget to
85 | county commission; specifying allowed expenditures
86 | from the annual budget; revising requirements for use
87 | of moneys in the redevelopment trust fund for specific
88 | redevelopment projects; revising requirements for the
89 | annual audit; requiring the audit to be included with
90 | the financial report of the county or municipality
91 | that created the community redevelopment agency;
92 | amending s. 190.046, F.S.; authorizing adjacent lands
93 | located within the county or municipality which a
94 | petitioner anticipates adding to the boundaries of a
95 | new community development district to also be
96 | identified in a petition to establish the new district
97 | under certain circumstances; providing requirements
98 | for the petition; prohibiting a parcel from being
99 | included in the district without the written consent
100 | of the owner of the parcel; authorizing a person to



101 petition the county or municipality to amend the
102 boundaries of the district to include a certain parcel
103 after establishment of the district; prohibiting a
104 filing fee for such petition; providing requirements
105 for the petition; requiring the person to provide the
106 petition to the district and to the owner of the
107 proposed additional parcel before filing the petition
108 with the county or municipality; requiring the county
109 or municipality to process the addition of the parcel
110 to the district as an amendment to the ordinance that
111 establishes the district once the petition is
112 determined sufficient and complete; authorizing the
113 county or municipality to process all such petitions
114 even if the addition exceeds specified acreage;
115 providing notice requirements for the intent to amend
116 the ordinance establishing the district; providing
117 that the amendment of a district by the addition of a
118 parcel does not alter the transition from landowner
119 voting to qualified elector voting; requiring the
120 petitioner to cause to be recorded a certain notice of
121 boundary amendment upon adoption of the ordinance
122 expanding the district; providing construction;
123 authorizing a community development district to merge
124 with a special district created by special act
125 pursuant to the special act creating the district;



126 | amending s. 218.32, F.S.; requiring county and
127 | municipal governments to submit community
128 | redevelopment agency annual audit reports as part of
129 | an annual report; revising criteria for finding that a
130 | county or municipality failed to file a report;
131 | requiring the Department of Financial Services to
132 | provide to the Department of Economic Opportunity a
133 | list of community redevelopment agencies with no
134 | revenues, no expenditures, and no debts; amending s.
135 | 334.352, F.S.; providing that a local governmental
136 | entity may not prohibit motor vehicle use on or access
137 | to an existing transportation facility or
138 | transportation corridor under certain conditions;
139 | amending s. 380.06, F.S.; revising the statewide
140 | guidelines and standards for developments of regional
141 | impact; deleting criteria that the Administration
142 | Commission is required to consider in adopting its
143 | guidelines and standards; revising provisions relating
144 | to the application of guidelines and standards;
145 | revising provisions relating to variations and
146 | thresholds for such guidelines and standards; deleting
147 | provisions relating to the issuance of binding
148 | letters; specifying that previously issued letters
149 | remain valid unless previously expired; specifying the
150 | procedure for amending a binding letter of



151 interpretation; deleting provisions relating to
152 authorizations to develop, applications for approval
153 of development, concurrent plan amendments,
154 preapplication procedures, preliminary development
155 agreements, conceptual agency review, application
156 sufficiency, local notice, regional reports, and
157 criteria for the approval of developments inside and
158 outside areas of critical state concern; revising
159 provisions relating to local government development
160 orders; specifying that amendments to a development
161 order for an approved development may not amend to an
162 earlier date the date before which a development would
163 be subject to downzoning, unit density reduction, or
164 intensity reduction, except under certain conditions;
165 removing a requirement that certain conditions of a
166 development order meet specified criteria; specifying
167 that construction of certain mitigation-of-impact
168 facilities is not subject to competitive bidding or
169 competitive negotiation for selection of a contractor
170 or design professional; removing requirements relating
171 to local government approval of developments of
172 regional impact that do not meet certain requirements;
173 removing a requirement that the Department of Economic
174 Opportunity and other agencies cooperate in preparing
175 certain ordinances; authorizing developers to record



176 notice of certain rescinded development orders;
177 specifying that certain agreements regarding
178 developments that are essentially built out remain
179 valid unless previously expired; deleting requirements
180 for a local government to issue a permit for a
181 development subsequent to the buildout date contained
182 in the development order; specifying that amendments
183 to development orders do not diminish or otherwise
184 alter certain credits for a development order exaction
185 or fee against impact fees, mobility fees, or
186 exactions; deleting a provision relating to the
187 determination of certain credits for impact fees or
188 extractions; deleting a provision exempting a
189 nongovernmental developer from being required to
190 competitively bid or negotiate construction or design
191 of certain facilities except under certain
192 circumstances; specifying that certain capital
193 contribution front-ending agreements remain valid
194 unless previously expired; deleting a provision
195 relating to local monitoring; revising requirements
196 for developers regarding reporting to local
197 governments and specifying that such reports are not
198 required unless required by a local government with
199 jurisdiction over a development; revising the
200 requirements and procedure for proposed changes to a



201 | previously approved development of regional impact and
202 | deleting rulemaking requirements relating to such
203 | procedure; revising provisions relating to the
204 | approval of such changes; specifying that certain
205 | extensions previously granted by statute are still
206 | valid and not subject to review or modification;
207 | deleting provisions relating to determinations as to
208 | whether a proposed change is a substantial deviation;
209 | deleting provisions relating to comprehensive
210 | development-of-regional-impact applications and master
211 | plan development orders; specifying that certain
212 | agreements that include two or more developments of
213 | regional impact which were the subject of a
214 | comprehensive development-of-regional-impact
215 | application remain valid unless previously expired;
216 | deleting provisions relating to downtown development
217 | authorities; deleting provisions relating to adoption
218 | of rules by the state land planning agency; deleting
219 | statutory exemptions from development-of-regional-
220 | impact review; specifying that an approval of an
221 | authorized developer for an areawide development of
222 | regional impact remains valid unless previously
223 | expired; deleting provisions relating to areawide
224 | developments of regional impact; deleting an
225 | authorization for the state land planning agency to



226 | adopt rules relating to abandonment of developments of
227 | regional impact; requiring local governments to file a
228 | notice of abandonment under certain conditions;
229 | deleting an authorization for the state land planning
230 | agency to adopt a procedure for filing such notice;
231 | requiring a development-of-regional-impact development
232 | order to be abandoned by a local government under
233 | certain conditions; deleting a provision relating to
234 | abandonment of developments of regional impact in
235 | certain high-hazard coastal areas; authorizing local
236 | governments to approve abandonment of development
237 | orders for an approved development under certain
238 | conditions; deleting a provision relating to rights,
239 | responsibilities, and obligations under a development
240 | order; deleting partial exemptions from development-of
241 | regional-impact review; deleting exemptions for dense
242 | urban land areas; specifying that proposed
243 | developments that exceed the statewide guidelines and
244 | standards and that are not otherwise exempt be
245 | approved by local governments instead of through
246 | specified development-of-regional-impact proceedings;
247 | providing exceptions; amending s. 380.061, F.S.;
248 | specifying that the Florida Quality Developments
249 | program only applies to previously approved
250 | developments in the program before the effective date



251 of the act; specifying a process for local governments
252 to adopt a local development order to replace and
253 supersede the development order adopted by the state
254 land planning agency for the Florida Quality
255 Developments; deleting program intent, eligibility
256 requirements, rulemaking authorizations, and
257 application and approval requirements and processes;
258 deleting an appeals process and the Quality
259 Developments Review Board; amending s. 380.0651, F.S.;
260 deleting provisions relating to the superseding of
261 guidelines and standards adopted by the Administration
262 Commission and the publishing of guidelines and
263 standards by the Administration Commission; conforming
264 a provision to changes made by the act; specifying
265 exemptions and partial exemptions from development-of-
266 regional-impact review; deleting provisions relating
267 to determining whether there is a unified plan of
268 development; deleting provisions relating to the
269 circumstances where developments should be aggregated;
270 deleting a provision relating to prospective
271 application of certain provisions; deleting a
272 provision authorizing state land planning agencies to
273 enter into agreements for the joint planning, sharing,
274 or use of specified public infrastructure, facilities,
275 or services by developers; deleting an authorization



276 | for the state land planning agency to adopt rules;
277 | amending s. 380.07, F.S.; deleting an authorization
278 | for the Florida Land and Water Adjudicatory Commission
279 | to adopt rules regarding the requirements for
280 | developments of regional impact; revising when a local
281 | government must transmit a development order to the
282 | state land planning agency, the regional planning
283 | agency, and the owner or developer of the property
284 | affected by such order; deleting a process for
285 | regional planning agencies to undertake appeals of
286 | development-of-regional-impact development orders;
287 | revising a process for appealing development orders
288 | for consistency with a local comprehensive plan to be
289 | available only for developments in areas of critical
290 | state concern; deleting a procedure regarding certain
291 | challenges to development orders relating to
292 | developments of regional impact; amending s. 380.115,
293 | F.S.; deleting a provision relating to changes in
294 | development-of-regional-impact guidelines and
295 | standards and the impact of such changes on vested
296 | rights, duties, and obligations pursuant to any
297 | development order or agreement; requiring local
298 | governments to monitor and enforce development orders
299 | and prohibiting local governments from issuing
300 | permits, approvals, or extensions of services if a



301 developer does not act in substantial compliance with
302 an order; deleting provisions relating to changes in
303 development of regional impact guidelines and
304 standards and their impact on the development approval
305 process; amending s. 125.68, F.S.; conforming a cross-
306 reference; amending s. 163.3245, F.S.; conforming
307 cross-references; conforming provisions to changes
308 made by the act; revising the circumstances in which
309 applicants who apply for master development approval
310 for an entire planning area must remain subject to a
311 master development order; specifying an exception;
312 deleting a provision relating to the level of review
313 for applications for master development approval;
314 amending s. 163.3246, F.S.; conforming provisions to
315 changes made by the act; conforming cross-references;
316 amending s. 189.08, F.S.; conforming a cross-
317 reference; conforming a provision to changes made by
318 the act; amending s. 190.005, F.S.; conforming cross-
319 references; amending ss. 190.012, 212.055, and
320 252.363, F.S.; conforming cross-references; amending
321 s. 369.303, F.S.; conforming a provision to changes
322 made by the act; amending ss. 369.307, 373.236, and
323 373.414, F.S.; conforming cross-references; amending
324 s. 378.601, F.S.; conforming a provision to changes
325 made by the act; repealing s. 380.065, F.S., relating



326 to a process to allow local governments to request
327 certification to review developments of regional
328 impact that are located within their jurisdictions in
329 lieu of the regional review requirements; amending ss.
330 380.11 and 403.524, F.S.; conforming cross-references;
331 repealing specified rules regarding uniform review of
332 developments of regional impact by the state land
333 planning agency and regional planning agencies;
334 repealing the rules adopted by the Administration
335 Commission regarding whether two or more developments,
336 represented by their owners or developers to be
337 separate developments, shall be aggregated; providing
338 a directive to the Division of Law Revision and
339 Information; providing an effective date.

340

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

342

343 Section 1. Subsection (2) of section 112.3142, Florida
344 Statutes, is amended to read:

345 112.3142 Ethics training for specified constitutional
346 officers and elected municipal officers.—

347 (2) (a) All constitutional officers must complete 4 hours
348 of ethics training each calendar year which addresses, at a
349 minimum, s. 8, Art. II of the State Constitution, the Code of
350 Ethics for Public Officers and Employees, and the public records



351 and public meetings laws of this state. This requirement may be
352 satisfied by completion of a continuing legal education class or
353 other continuing professional education class, seminar, or
354 presentation if the required subjects are covered.

355 (b) Beginning January 1, 2015, all elected municipal
356 officers must complete 4 hours of ethics training each calendar
357 year which addresses, at a minimum, s. 8, Art. II of the State
358 Constitution, the Code of Ethics for Public Officers and
359 Employees, and the public records and public meetings laws of
360 this state. This requirement may be satisfied by completion of a
361 continuing legal education class or other continuing
362 professional education class, seminar, or presentation if the
363 required subjects are covered.

364 (c) Beginning October 1, 2018, each commissioner of a
365 community redevelopment agency under part III of chapter 163
366 must complete 4 hours of ethics training each calendar year
367 which addresses, at a minimum, s. 8, Art. II of the State
368 Constitution, the Code of Ethics for Public Officers and
369 Employees, and the public records and public meetings laws of
370 this state. This requirement may be satisfied by completion of a
371 continuing legal education class or other continuing
372 professional education class, seminar, or presentation if the
373 required subjects are covered.

374 (d) ~~(e)~~ The commission shall adopt rules establishing
375 minimum course content for the portion of an ethics training



376 class which addresses s. 8, Art. II of the State Constitution
377 and the Code of Ethics for Public Officers and Employees.

378 (e)~~(d)~~ The Legislature intends that a constitutional
379 officer or elected municipal officer who is required to complete
380 ethics training pursuant to this section receive the required
381 training as close as possible to the date that he or she assumes
382 office. A constitutional officer or elected municipal officer
383 assuming a new office or new term of office on or before March
384 31 must complete the annual training on or before December 31 of
385 the year in which the term of office began. A constitutional
386 officer or elected municipal officer assuming a new office or
387 new term of office after March 31 is not required to complete
388 ethics training for the calendar year in which the term of
389 office began.

390 Section 2. Paragraph (c) is added to subsection (7) of
391 section 112.313, Florida Statutes, to read:

392 112.313 Standards of conduct for public officers,
393 employees of agencies, and local government attorneys.—

394 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

395 (c) Notwithstanding paragraph (a), a public officer of a
396 county or city commission, council, or board may hold an
397 employment or contractual relationship with a law firm when one
398 or more of the firm's lawyers represents a client before the
399 public officer's commission, council, or board if the public
400 officer satisfies the following requirements every time a lawyer



401 of the firm appears before the commission, council, or board:

402 1. The public officer abstains from voting on any matter
403 in which the lawyer is appearing, publicly states the reason for
404 the abstention, and provides a written disclosure as prescribed
405 in s. 112.3143(3) (a).

406 2. The public officer recuses himself or herself from any
407 questions, discussions, or debate on any such matter.

408 3. The public officer does not discuss any such matter
409 with another officer of the commission, council, or board, or
410 any staff member thereof.

411
412 A public officer with an employment or contractual relationship
413 with a law firm who fails to satisfy the requirements in this
414 paragraph is deemed to have violated this subsection.

415 Section 3. Section 112.327, Florida Statutes, is created
416 to read:

417 112.327 Lobbying before community redevelopment agencies;
418 registration and reporting.-

419 (1) As used in this section, the term:

420 (a) "Agency" or "community redevelopment agency" means a
421 public agency created by, or designated pursuant to, s. 163.356
422 or s. 163.357 and operating under the authority of part III of
423 chapter 163.

424 (b) "Lobby" means to seek, on behalf of another person, to
425 influence an agency with respect to a decision of the agency in



426 an area of policy or procurement or to attempt to obtain the
427 goodwill of an agency official or employee. The term shall be
428 interpreted and applied consistently with the rules of the
429 commission implementing s. 112.3215.

430 (c) "Local government entity" means the county or
431 municipality that created or petitioned for the creation of the
432 agency.

433 (d) "Lobbyist" has the same meaning as provided in s.
434 112.3215.

435 (e) "Principal" has the same meaning as provided in s.
436 112.3215.

437 (2) Beginning October 1, 2020, a person may not lobby an
438 agency until he or she has registered as a lobbyist with the
439 local government entity. Such registration shall be due upon the
440 person initially being retained to lobby and is renewable on a
441 calendar-year basis thereafter. Upon registration, the person
442 shall provide a statement, signed by the principal or
443 principal's representative, stating that the registrant is
444 authorized to represent the principal. The principal shall also
445 identify and designate its main business on the statement
446 authorizing that lobbyist pursuant to a classification system
447 approved by the local government entity. Any changes to the
448 information required by this section must be disclosed within 15
449 days by filing a new registration form. A local government
450 entity may create its own lobbyist registration forms or may



451 accept a completed legislative branch or executive branch
452 lobbyist registration form. In completing the form required by
453 the local government entity, the registrant must disclose, under
454 oath, the following:

455 (a) His or her name and business address.

456 (b) The name and business address of each principal
457 represented.

458 (c) The existence of any direct or indirect business
459 association, partnership, or financial relationship with any
460 officer or employee of an agency with which he or she lobbies or
461 intends to lobby.

462 (3) Lobbyist registrations must be available to the
463 public. A database of currently registered lobbyists and
464 principals must be available on the website of the local
465 government entity.

466 (4) A lobbyist shall promptly send a written statement to
467 the local government entity canceling the registration for a
468 principal upon termination of the lobbyist's representation of
469 that principal. A local government entity may remove the name of
470 a lobbyist from the list of registered lobbyists if the
471 principal notifies the local government entity that a person is
472 no longer authorized to represent that principal.

473 (5) A local government entity may establish an annual
474 lobbyist registration fee, not to exceed \$40, for each principal
475 represented. The local government entity may use registration



476 | fees only for the purpose of administering this section.

477 | (6) A local government entity shall be diligent in
478 | ascertaining whether persons required to register under this
479 | section have complied. A local government entity may not
480 | knowingly authorize an unregistered person to lobby the agency.

481 | (7) Upon receipt of a sworn complaint alleging that a
482 | lobbyist or principal has failed to register with a local
483 | government entity or has knowingly submitted false information
484 | in a report or registration required under this section, the
485 | commission shall investigate a lobbyist or principal pursuant to
486 | the procedures established under s. 112.324. The commission
487 | shall provide the Governor with a report of its findings and
488 | recommendations in any investigation conducted pursuant to this
489 | subsection. The Governor may enforce the commission's findings
490 | and recommendations.

491 | (8) Local government entities may adopt rules to govern
492 | the registration of lobbyists, including the adoption of forms
493 | and the establishment of the lobbyist registration fee.

494 | Section 4. Subsections (31) through (51) of section
495 | 163.3164, Florida Statutes, are renumbered as subsections (32)
496 | through (52), respectively, and a new subsection (31) is added
497 | to that section to read:

498 | 163.3164 Community Planning Act; definitions.—As used in
499 | this act:

500 | (31) "Master development plan" or "master plan," for



501 purposes of this act and 26 U.S.C. s. 118, means a planning
502 document that integrates the plans, orders, agreements, designs,
503 and studies to guide development, as defined in this section,
504 and may include, as appropriate, authorized land uses and amount
505 of horizontal and vertical development, and public facilities,
506 including local and regional water storage for water quality and
507 water supply. The term includes, but is not limited to, a plan
508 for a development under this chapter or chapter 380, a basin
509 management action plan pursuant to s. 403.067(7), a regional
510 water supply plan pursuant to s. 373.709, a watershed protection
511 plan pursuant to s. 373.4595, and a spring protection plan
512 developed pursuant to s. 373.807.

513 Section 5. Section 163.31715, Florida Statutes, is created
514 to read:

515 163.31715 Local land use regulation for state university-
516 related development and expansion.-

517 (1) The Legislature finds that:

518 (a) State universities provide substantial educational,
519 economic, and cultural benefits to their local communities, the
520 state, and the nation. Within their local communities, state
521 universities significantly affect the development and
522 availability of public services, public facilities, residential
523 housing, commercial facilities, and other services and
524 facilities necessary to support the growth and success of state
525 university programs.



526 (b) The ability of certain state universities to expand
527 existing programs and introduce new disciplines to fulfill their
528 missions is constrained by inadequate supplies of affordable
529 residential housing and commercial facilities necessary to house
530 and support growing populations of students and employees.

531 (c) The development of infrastructure for necessary public
532 services, residential housing, and commercial facilities to
533 facilitate the continued growth of state universities serves a
534 public purpose.

535 (d) The planned development of land within 3 miles of a
536 state university campus will best serve the people of this state
537 by enabling the development and expansion of necessary public
538 services and commercial facilities for the continued success of
539 the State University System.

540 (2) For purposes of this section, the term:

541 (a) "Qualified parcel" means a single tract of real
542 property located within 3 miles of a state university campus, as
543 measured on a straight line from the nearest property line of
544 the campus to the nearest property line of the tract.

545 (b) "State university" has the same meaning as in s.
546 1000.21, except that the term does not include any branch
547 campuses, centers, or other affiliates of the state university.

548 (c) "State University System" has the same meaning as in
549 s. 7(b), Art. IX of the State Constitution.

550 (3) (a) Notwithstanding any general law, special act, or



551 local ordinance to the contrary, a qualified parcel is deemed to
552 be located within an urban service area or within an urban
553 development boundary and may not be classified as rural land. A
554 qualified parcel is subject to all general laws, special acts,
555 and local ordinances regulating real property within an urban
556 service area or within an urban development boundary.

557 (b) This section does not apply to a county that first
558 denoted an urban development boundary, an urban service area, or
559 a rural boundary before October 1, 1985.

560 Section 6. Subsection (8) of section 163.340, Florida
561 Statutes, is amended to read:

562 163.340 Definitions.—The following terms, wherever used or
563 referred to in this part, have the following meanings:

564 (8) "Blighted area" means an area in which there are a
565 substantial number of deteriorated or deteriorating structures;
566 in which conditions, as indicated by government-maintained
567 statistics or other studies, endanger life or property or are
568 leading to economic distress; and in which two or more of the
569 following factors are present:

570 (a) Predominance of defective or inadequate street layout,
571 parking facilities, roadways, bridges, or public transportation
572 facilities.

573 (b) Aggregate assessed values of real property in the area
574 for ad valorem tax purposes have failed to show any appreciable
575 increase over the 5 years before ~~prior to~~ the finding of such



576 conditions.

577 (c) Faulty lot layout in relation to size, adequacy,
578 accessibility, or usefulness.

579 (d) Unsanitary or unsafe conditions.

580 (e) Deterioration of site or other improvements.

581 (f) Inadequate and outdated building density patterns.

582 (g) Falling lease rates per square foot of office,
583 commercial, or industrial space compared to the remainder of the
584 county or municipality.

585 (h) Tax or special assessment delinquency exceeding the
586 fair value of the land.

587 (i) Residential and commercial vacancy rates higher in the
588 area than in the remainder of the county or municipality.

589 (j) Incidence of crime in the area higher than in the
590 remainder of the county or municipality.

591 (k) Fire and emergency medical service calls to the area
592 proportionately higher than in the remainder of the county or
593 municipality.

594 (l) A greater number of violations of the Florida Building
595 Code in the area than the number of violations recorded in the
596 remainder of the county or municipality.

597 (m) Diversity of ownership or defective or unusual
598 conditions of title which prevent the free alienability of land
599 within the deteriorated or hazardous area.

600 (n) Governmentally owned property with adverse



601 environmental conditions caused by a public or private entity.

602 (o) A substantial number or percentage of properties
603 damaged by sinkhole activity which have not been adequately
604 repaired or stabilized.

605 (p) Rates of unemployment higher in the area than in the
606 remainder of the county or municipality.

607 (q) Rates of poverty higher in the area than in the
608 remainder of the county or municipality.

609 (r) Rates of foreclosure higher in the area than in the
610 remainder of the county or municipality.

611 (s) Rates of infant mortality higher in the area than in
612 the remainder of the county or municipality.

613
614 ~~However, the term "blighted area" also means any area in which~~
615 ~~at least one of the factors identified in paragraphs (a) through~~
616 ~~(e) is present and all taxing authorities subject to s.~~
617 ~~163.387(2) (a) agree, either by interlocal agreement with the~~
618 ~~agency or by resolution, that the area is blighted. Such~~
619 ~~agreement or resolution must be limited to a determination that~~
620 ~~the area is blighted. For purposes of qualifying for the tax~~
621 ~~credits authorized in chapter 220, the term "blighted area"~~
622 means an area as defined in this subsection.

623 Section 7. Subsections (1), (2), and (3) of section
624 163.356, Florida Statutes, are amended to read:

625 163.356 Creation of community redevelopment agency.—



626 (1) Upon a finding of necessity as set forth in s.
627 163.355, and upon a further finding that there is a need for a
628 community redevelopment agency to function in the county or
629 municipality to carry out the community redevelopment purposes
630 of this part, any county or municipality may, by resolution,
631 petition the Legislature to create a public body corporate and
632 politic to be known as a "community redevelopment agency." On or
633 after October 1, 2018, a community redevelopment agency may be
634 created only by special act of the Legislature. ~~A charter county~~
635 ~~having a population less than or equal to 1.6 million may~~
636 ~~create, by a vote of at least a majority plus one of the entire~~
637 ~~governing body of the charter county, more than one community~~
638 ~~redevelopment agency.~~ Each such agency shall be constituted as a
639 public instrumentality, and the exercise by a community
640 redevelopment agency of the powers conferred by this part shall
641 be deemed and held to be the performance of an essential public
642 function. Community redevelopment agencies of a county have the
643 power to function within the corporate limits of a municipality
644 only as, if, and when the governing body of the municipality has
645 by resolution concurred in the community redevelopment plan or
646 plans proposed by the governing body of the county.

647 (2) As of the creation date of a community redevelopment
648 agency, the governing ~~When the governing body adopts a~~
649 ~~resolution declaring the need for a community redevelopment~~
650 ~~agency, that~~ body shall, by ordinance, appoint a board of



651 commissioners of the community redevelopment agency, which shall
652 consist of not fewer than five or more than nine commissioners.
653 The terms of office of the commissioners shall be for 4 years,
654 except that three of the members first appointed shall be
655 designated to serve terms of 1, 2, and 3 years, respectively,
656 from the date of their appointments, and all other members shall
657 be designated to serve for terms of 4 years from the date of
658 their appointments. A vacancy occurring during a term shall be
659 filled for the unexpired term. As provided in an interlocal
660 agreement between the governing body that created the agency and
661 one or more taxing authorities, one or more members of the board
662 of commissioners of the agency may be representatives of a
663 taxing authority, including members of that taxing authority's
664 governing body, whose membership on the board of commissioners
665 of the agency would be considered an additional duty of office
666 as a member of the taxing authority governing body.

667 (3) (a) A commissioner shall receive no compensation for
668 services, but is entitled to the necessary expenses, including
669 travel expenses, incurred in the discharge of duties. Each
670 commissioner shall hold office until his or her successor has
671 been appointed and has qualified. A certificate of the
672 appointment or reappointment of any commissioner shall be filed
673 with the clerk of the county or municipality, and such
674 certificate is conclusive evidence of the due and proper
675 appointment of such commissioner.



676 (b) The powers of a community redevelopment agency shall
677 be exercised by the commissioners thereof. A majority of the
678 commissioners constitutes a quorum for the purpose of conducting
679 business and exercising the powers of the agency and for all
680 other purposes. Action may be taken by the agency upon a vote of
681 a majority of the commissioners present, unless in any case the
682 bylaws require a larger number. Any person may be appointed as
683 commissioner if he or she resides or is engaged in business,
684 which means owning a business, practicing a profession, or
685 performing a service for compensation, or serving as an officer
686 or director of a corporation or other business entity so
687 engaged, within the area of operation of the agency, which shall
688 be coterminous with the area of operation of the county or
689 municipality, and is otherwise eligible for such appointment
690 under this part.

691 (c) The governing body of the county or municipality shall
692 designate a chair and vice chair from among the commissioners.
693 An agency may employ an executive director, technical experts,
694 and such other agents and employees, permanent and temporary, as
695 it requires, and determine their qualifications, duties, and
696 compensation. For such legal service as it requires, an agency
697 may employ or retain its own counsel and legal staff.

698 (d) An agency authorized to transact business and exercise
699 powers under this part shall file with the governing body the
700 report required under s. 163.371(1), ~~on or before March 31 of~~



701 ~~each year, a report of its activities for the preceding fiscal~~
702 ~~year, which report shall include a complete financial statement~~
703 ~~setting forth its assets, liabilities, income, and operating~~
704 ~~expenses as of the end of such fiscal year. At the time of~~
705 ~~filing the report, the agency shall publish in a newspaper of~~
706 ~~general circulation in the community a notice to the effect that~~
707 ~~such report has been filed with the county or municipality and~~
708 ~~that the report is available for inspection during business~~
709 ~~hours in the office of the clerk of the city or county~~
710 ~~commission and in the office of the agency.~~

711 (e)~~(d)~~ At any time after the creation of a community
712 redevelopment agency, the governing body of the county or
713 municipality may appropriate to the agency such amounts as the
714 governing body deems necessary for the administrative expenses
715 and overhead of the agency, including the development and
716 implementation of community policing innovations.

717 Section 8. Subsection (1) of section 163.367, Florida
718 Statutes, is amended to read:

719 163.367 Public officials, commissioners, and employees
720 subject to code of ethics.—

721 (1) (a) The officers, commissioners, and employees of a
722 community redevelopment agency created by, or designated
723 pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to
724 the provisions and requirements of part III of chapter 112.

725 (b) Commissioners of a community redevelopment agency must



726 | comply with the ethics training requirements in s. 112.3142.

727 | Section 9. Subsection (3) of section 163.370, Florida
728 | Statutes, is amended, and subsection (5) is added to that
729 | section, to read:

730 | 163.370 Powers; counties and municipalities; community
731 | redevelopment agencies.—

732 | (3) The following projects may not be paid for or financed
733 | by increment revenues:

734 | (a) Construction or expansion of administrative buildings
735 | for public bodies or police and fire buildings, unless each
736 | taxing authority agrees to such method of financing for the
737 | construction or expansion, or unless the construction or
738 | expansion is contemplated as part of a community policing
739 | innovation.

740 | (b) Installation, construction, reconstruction, repair,
741 | or alteration of any publicly owned capital improvements or
742 | projects if such projects or improvements were scheduled to be
743 | installed, constructed, reconstructed, repaired, or altered
744 | within 3 years of the approval of the community redevelopment
745 | plan by the governing body pursuant to a previously approved
746 | public capital improvement or project schedule or plan of the
747 | governing body which approved the community redevelopment plan
748 | unless and until such projects or improvements have been removed
749 | from such schedule or plan of the governing body and 3 years
750 | have elapsed since such removal or such projects or improvements



751 were identified in such schedule or plan to be funded, in whole
752 or in part, with funds on deposit within the community
753 redevelopment trust fund.

754 (c) General government operating expenses unrelated to
755 the planning and carrying out of a community redevelopment plan.

756 (d) Community redevelopment agency activities related to
757 festivals or street parties designed to promote tourism.

758 (e) Grants to entities that promote tourism.

759 (f) Grants to nonprofit entities providing socially
760 beneficial programs.

761 (5) A community redevelopment agency shall procure all
762 commodities and services using the same purchasing processes and
763 requirements that apply to the county or municipality that
764 created or petitioned for the creation of the community
765 redevelopment agency.

766 Section 10. Section 163.371, Florida Statutes, is created
767 to read:

768 163.371 Reporting requirements.-

769 (1) Beginning March 31, 2019, and no later than March 31
770 of each year thereafter, a community redevelopment agency shall
771 file an annual report with the county or municipality that
772 created the agency or petitioned for the creation of the agency
773 and post the report on the agency's website. At the time the
774 report is filed and posted on the website, the agency shall also
775 publish in a newspaper of general circulation in the community a



776 notice that such report has been filed with the county or
777 municipality and that the report is available for inspection
778 during business hours in the office of the clerk of the city or
779 county commission, in the office of the agency, and on the
780 website of the agency. The report must include the following
781 information:

782 (a) The most recent audit report for the community
783 redevelopment agency prepared pursuant to s. 163.387(8).

784 (b) The performance data for each plan authorized,
785 administered, or overseen by the community redevelopment agency
786 as of December 31 of the year being reported, including the:

787 1. Total number of projects started, total number of
788 projects completed, and estimated project cost for each project.

789 2. Total expenditures from the redevelopment trust fund.

790 3. Assessed real property values of property located
791 within the boundaries of the community redevelopment agency as
792 of the day the agency was created.

793 4. Total assessed real property values of property within
794 the boundaries of the community redevelopment agency as of
795 January 1 of the year being reported.

796 5. Earliest data available as of the date the agency was
797 created, providing total commercial property vacancy rates
798 within the community redevelopment agency.

799 6. Total commercial property vacancy rates within the
800 boundaries of the community redevelopment agency.



801 7. Assessed real property values for redeveloped
802 properties within the boundaries of the community redevelopment
803 agency as of January 1 of the year being reported.

804 8. Earliest data available as of the day the agency was
805 created, providing total housing vacancy rates within the
806 boundaries of the community redevelopment agency.

807 9. Total housing vacancy rates within the boundaries of
808 the community redevelopment agency.

809 10. Total number of code enforcement violations within the
810 boundaries of the community redevelopment agency.

811 11. Total amount expended for affordable housing for low
812 and middle income residents, if the community redevelopment
813 agency has affordable housing as part of its community
814 redevelopment plan.

815 12. Name of the sponsor or donor and total amount
816 sponsored or donated for sponsorships and donations that were
817 made to the community redevelopment agency.

818 13. Ratio of redevelopment funds to private funds expended
819 within the boundaries of the community redevelopment agency.

820 (2) By January 1, 2019, each community redevelopment
821 agency shall post on its website digital maps that depict the
822 geographic boundaries and total acreage of the community
823 redevelopment agency. If any change is made to the boundaries or
824 total acreage, the agency shall post updated map files on its
825 website within 60 days after the date such change takes effect.



826 Section 11. Section 163.3756, Florida Statutes, is created
827 to read:

828 163.3756 Inactive community redevelopment agencies.-

829 (1) The Legislature finds that a number of community
830 redevelopment agencies continue to exist but report no revenues,
831 no expenditures, and no outstanding debt in their annual reports
832 to the Department of Financial Services pursuant to s. 218.32.

833 (2) (a) A community redevelopment agency that has reported
834 no revenues, no expenditures, and no debt under s. 218.32 or s.
835 189.016(9), for 3 consecutive fiscal years beginning on October
836 1, 2015, shall be declared inactive by the Department of
837 Economic Opportunity. The department shall notify the agency of
838 the declaration of inactive status under this subsection. If the
839 agency has no board members or no agent, the notice of inactive
840 status must be delivered to the governing board or commission of
841 the county or municipality that created the agency or petitioned
842 for the creation of the agency.

843 (b) The governing board of a community redevelopment
844 agency declared inactive under this subsection may seek to
845 invalidate the declaration by initiating proceedings under s.
846 189.062(5) within 30 days after the date of the receipt of the
847 notice from the department.

848 (3) A community redevelopment agency declared inactive
849 under this section is authorized only to expend funds from the
850 redevelopment trust fund as necessary to service outstanding



851 bond debt. The agency may not expend other funds without an
852 ordinance of the governing body of the local government that
853 created the agency consenting to the expenditure of funds.

854 (4) The provisions of s. 189.062(2) and (4) do not apply
855 to a community redevelopment agency that has been declared
856 inactive under this section.

857 (5) The provisions of this section are cumulative to the
858 provisions of s. 189.062. To the extent the provisions of this
859 section conflict with the provisions of s. 189.062, this section
860 prevails.

861 (6) The Department of Economic Opportunity shall maintain
862 on its website a separate list of community redevelopment
863 agencies declared inactive under this section.

864 Section 12. Paragraph (a) of subsection (1), subsection
865 (6), paragraph (d) of subsection (7), and subsection (8) of
866 section 163.387, Florida Statutes, are amended to read:

867 163.387 Redevelopment trust fund.—

868 (1) (a) After approval of a community redevelopment plan,
869 there may be established for each community redevelopment agency
870 created under s. 163.356 a redevelopment trust fund. Funds
871 allocated to and deposited into this fund shall be used by the
872 agency to finance or refinance any community redevelopment it
873 undertakes pursuant to the approved community redevelopment
874 plan. No community redevelopment agency may receive or spend any
875 increment revenues pursuant to this section unless and until the



876 governing body has, by ordinance, created the trust fund and
877 provided for the funding of the redevelopment trust fund until
878 the time certain set forth in the community redevelopment plan
879 as required by s. 163.362(10). Such ordinance may be adopted
880 only after the governing body has approved a community
881 redevelopment plan. The annual funding of the redevelopment
882 trust fund shall be in an amount not less than that increment in
883 the income, proceeds, revenues, and funds of each taxing
884 authority derived from or held in connection with the
885 undertaking and carrying out of community redevelopment under
886 this part. Such increment shall be determined annually and shall
887 be that amount equal to 95 percent of the difference between:

888 1. The amount of ad valorem taxes levied each year by each
889 taxing authority, exclusive of any amount from any debt service
890 millage, on taxable real property contained within the
891 geographic boundaries of a community redevelopment area; and

892 2. The amount of ad valorem taxes which would have been
893 produced by the rate upon which the tax is levied each year by
894 or for each taxing authority, exclusive of any debt service
895 millage, upon the total of the assessed value of the taxable
896 real property in the community redevelopment area as shown upon
897 the most recent assessment roll used in connection with the
898 taxation of such property by each taxing authority prior to the
899 effective date of the ordinance providing for the funding of the
900 trust fund.



901
902 However, the governing body ~~of any county as defined in s.~~
903 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
904 trust fund established with respect to any community
905 redevelopment area ~~created on or after July 1, 1994,~~ determine
906 that the amount to be funded by each taxing authority annually
907 shall be less than 95 percent of the difference between
908 subparagraphs 1. and 2., but in no event shall such amount be
909 less than 50 percent of such difference.

910 (6) Beginning October 1, 2018, moneys in the redevelopment
911 trust fund may be expended ~~from time to time~~ for undertakings of
912 a community redevelopment agency as described in the community
913 redevelopment plan only pursuant to an annual budget adopted by
914 the board of commissioners of the community redevelopment agency
915 and only for the following purposes stated in this subsection. ~~7~~
916 ~~including, but not limited to:~~

917 (a) Except as provided in this subsection, a community
918 redevelopment agency shall comply with the requirements of s.
919 189.016.

920 (b) A community redevelopment agency created by a
921 municipality shall submit its operating budget to the board of
922 county commissioners for the county in which the agency is
923 located within 10 days after the date such budget is adopted and
924 submit amendments of its operating budget to the board of county
925 commissioners within 10 days after the date the amended budget



926 is adopted. ~~Administrative and overhead expenses necessary or~~
927 ~~incidental to the implementation of a community redevelopment~~
928 ~~plan adopted by the agency.~~

929 (c) The annual budget of a community redevelopment agency
930 may provide for payment of the following expenses:

931 1. Administrative and overhead expenses directly or
932 indirectly necessary to implement a community redevelopment plan
933 adopted by the agency.

934 2.~~(b)~~ Expenses of redevelopment planning, surveys, and
935 financial analysis, including the reimbursement of the governing
936 body or the community redevelopment agency for such expenses
937 incurred before the redevelopment plan was approved and adopted.

938 3.~~(e)~~ The acquisition of real property in the
939 redevelopment area.

940 4.~~(d)~~ The clearance and preparation of any redevelopment
941 area for redevelopment and relocation of site occupants within
942 or outside the community redevelopment area as provided in s.
943 163.370.

944 5.~~(e)~~ The repayment of principal and interest or any
945 redemption premium for loans, advances, bonds, bond anticipation
946 notes, and any other form of indebtedness.

947 6.~~(f)~~ All expenses incidental to or connected with the
948 issuance, sale, redemption, retirement, or purchase of bonds,
949 bond anticipation notes, or other form of indebtedness,
950 including funding of any reserve, redemption, or other fund or



951 account provided for in the ordinance or resolution authorizing
952 such bonds, notes, or other form of indebtedness.

953 7.~~(g)~~ The development of affordable housing within the
954 community redevelopment area.

955 8.~~(h)~~ The development of community policing innovations.

956 9. Expenses that are necessary to exercise the powers
957 granted under s. 163.370, as delegated under s. 163.358.

958 (7) On the last day of the fiscal year of the community
959 redevelopment agency, any money which remains in the trust fund
960 after the payment of expenses pursuant to subsection (6) for
961 such year shall be:

962 (d) Appropriated to a specific redevelopment project
963 pursuant to an approved community redevelopment plan. The funds
964 appropriated for such project may not be changed unless the
965 project is amended, redesigned, or delayed, in which case the
966 funds must be reappropriated pursuant to the next annual budget
967 adopted by the board of commissioners of the community
968 redevelopment agency ~~which project will be completed within 3~~
969 ~~years from the date of such appropriation.~~

970 (8) (a) Each community redevelopment agency with revenues
971 or a total of expenditures and expenses in excess of \$100,000,
972 as reported on the trust fund financial statements, shall
973 provide for a financial ~~an~~ audit ~~of the trust fund~~ each fiscal
974 year and a report of such audit shall ~~to~~ be prepared by an
975 independent certified public accountant or firm. Each financial



976 audit provided pursuant to this subsection shall be conducted in
977 accordance with rules for audits adopted by the Auditor General
978 which are in effect as of the last day of the community
979 redevelopment agency's fiscal year being audited.

980 (b) The audit ~~Such~~ report shall:

981 1. Describe the amount and source of deposits into, and
982 the amount and purpose of withdrawals from, the trust fund
983 during ~~the such~~ fiscal year and the amount of principal and
984 interest paid during such year on any indebtedness to which
985 increment revenues are pledged and the remaining amount of such
986 indebtedness.

987 2. Include a complete financial statement identifying the
988 assets, liabilities, income, and operating expenses of the
989 community redevelopment agency as of the end of such fiscal
990 year.

991 3. Include a finding by the auditor determining whether
992 the community redevelopment agency complied with the
993 requirements of subsections (6) and (7).

994 (c) The audit report for the community redevelopment
995 agency shall be included with the annual financial report
996 submitted by the county or municipality that created the agency
997 or petitioned for the creation of the agency to the Department
998 of Financial Services as provided in s. 218.32, regardless of
999 whether the agency reports separately under s. 218.32.

1000 (d) The agency shall provide ~~by registered mail~~ a copy of



1001 the audit report to each taxing authority.

1002 Section 13. Paragraph (h) is added to subsection (1) of
1003 section 190.046, Florida Statutes, and subsection (3) of that
1004 section is amended, to read:

1005 190.046 Termination, contraction, or expansion of
1006 district.—

1007 (1) A landowner or the board may petition to contract or
1008 expand the boundaries of a community development district in the
1009 following manner:

1010 (h) For a petition to establish a new community
1011 development district of less than 2,500 acres on land located
1012 solely in one county or one municipality, adjacent lands located
1013 within the county or municipality which the petitioner
1014 anticipates adding to the boundaries of the district within the
1015 next 10 years may also be identified. If such adjacent land is
1016 identified, the petition must include a legal description of
1017 each additional parcel within the adjacent land, the current
1018 owner of the parcel, the acreage of the parcel, and the current
1019 land use designation of the parcel. At least 14 days before the
1020 hearing required under s. 190.005(2)(b), the petitioner must
1021 give the current owner of each such parcel notice of filing the
1022 petition to establish the district, the date and time of the
1023 public hearing on the petition, and the name and address of the
1024 petitioner. A parcel may not be included in the petition without
1025 the written consent of the owner of the parcel.



1026 1. After establishment of the district, a person may
1027 petition the county or municipality to amend the boundaries of
1028 the district to include a previously identified parcel that was
1029 a proposed addition to the district before its establishment. A
1030 filing fee may not be charged for this petition. Each such
1031 petition must include:

1032 a. A legal description by metes and bounds of the parcel
1033 to be added;

1034 b. A new legal description by metes and bounds of the
1035 district;

1036 c. Written consent of all owners of the parcel to be
1037 added;

1038 d. A map of the district including the parcel to be added;
1039 e. A description of the development proposed on the
1040 additional parcel; and

1041 f. A copy of the original petition identifying the parcel
1042 to be added.

1043 2. Before filing with the county or municipality, the
1044 person must provide the petition to the district and to the
1045 owner of the proposed additional parcel, if the owner is not the
1046 petitioner.

1047 3. Once the petition is determined sufficient and
1048 complete, the county or municipality must process the addition
1049 of the parcel to the district as an amendment to the ordinance
1050 that establishes the district. The county or municipality may



1051 process all petitions to amend the ordinance for parcels
1052 identified in the original petition, even if, by adding such
1053 parcels, the district exceeds 2,500 acres.

1054 4. The petitioner shall cause to be published in a
1055 newspaper of general circulation in the proposed district a
1056 notice of the intent to amend the ordinance that establishes the
1057 district, which notice shall be in addition to any notice
1058 required for adoption of the ordinance amendment. Such notice
1059 must be published at least 10 days before the scheduled hearing
1060 on the ordinance amendment and may be published in the section
1061 of the newspaper reserved for legal notices. The notice must
1062 include a general description of the land to be added to the
1063 district and the date and time of the scheduled hearing to amend
1064 the ordinance. The petitioner shall mail the notice of the
1065 hearing on the ordinance amendment to the owner of the parcel
1066 and to the district at least 14 days before the scheduled
1067 hearing.

1068 5. The amendment of a district by the addition of a parcel
1069 pursuant to this paragraph does not alter the transition from
1070 landowner voting to qualified elector voting pursuant to s.
1071 190.006, even if the total size of the district after the
1072 addition of the parcel exceeds 5,000 acres. Upon adoption of the
1073 ordinance expanding the district, the petitioner must cause to
1074 be recorded a notice of boundary amendment which reflects the
1075 new boundaries of the district.



1076 6. This paragraph is intended to facilitate the orderly
1077 addition of lands to a district under certain circumstances and
1078 does not preclude the addition of lands to any district using
1079 the procedures in the other provisions of this section.

1080 (3) The district may merge with other community
1081 development districts upon filing a petition for merger, which
1082 petition shall include the elements set forth in s. 190.005(1)
1083 and which shall be evaluated using the criteria set forth in s.
1084 190.005(1)(e). The filing fee shall be as set forth in s.
1085 190.005(1)(b). In addition, the petition shall state whether a
1086 new district is to be established or whether one district shall
1087 be the surviving district. The district may merge with any other
1088 special districts created by special act pursuant to the terms
1089 of that special act or by ~~upon~~ filing a petition for
1090 establishment of a community development district pursuant to s.
1091 190.005. The government formed by a merger involving a community
1092 development district pursuant to this section shall assume all
1093 indebtedness of, and receive title to, all property owned by the
1094 preexisting special districts, and the rights of creditors and
1095 liens upon property shall not be impaired by such merger. Any
1096 claim existing or action or proceeding pending by or against any
1097 district that is a party to the merger may be continued as if
1098 the merger had not occurred, or the surviving district may be
1099 substituted in the proceeding for the district that ceased to
1100 exist. Prior to filing a ~~the~~ petition, the districts desiring to



1101 merge shall enter into a merger agreement and shall provide for
1102 the proper allocation of the indebtedness so assumed and the
1103 manner in which such debt shall be retired. The approval of the
1104 merger agreement and the petition by the board of supervisors of
1105 the district shall constitute consent of the landowners within
1106 the district.

1107 Section 14. Subsection (4) is added to section 218.32,
1108 Florida Statutes, to read:

1109 218.32 Annual financial reports; local governmental
1110 entities.—

1111 (4) (a) A local governmental entity that does not include
1112 with its annual financial report submitted to the department the
1113 audit report required by s. 163.387(8) for each community
1114 redevelopment agency created by the reporting entity, or as a
1115 result of a petition by a reporting entity pursuant to s.
1116 163.356(1), shall be deemed to have failed to submit an annual
1117 financial report. The department shall report such failure to
1118 the Legislative Auditing Committee and the Special District
1119 Accountability Program of the Department of Economic
1120 Opportunity.

1121 (b) By November 1 of each year, the department must
1122 provide the Special District Accountability Program with a list
1123 of each community redevelopment agency reporting no revenues, no
1124 expenditures, and no debt for the community redevelopment
1125 agency's previous fiscal year.



1126 Section 15. Section 334.352, Florida Statutes, is created
1127 to read:

1128 334.352 State university ingress and egress.—A local
1129 governmental entity may not prohibit motor vehicle use on or
1130 access to an existing transportation facility or transportation
1131 corridor, as defined in s. 334.03, if such facility or corridor
1132 is the only point, or one of only two points, of ingress to and
1133 egress from a state university, as defined in s. 1000.21,
1134 regulated by the Board of Governors of the State University
1135 System as provided in s. 20.155.

1136 Section 16. Section 380.06, Florida Statutes, is amended
1137 to read:

1138 380.06 Developments of regional impact.—

1139 (1) DEFINITION.—The term "development of regional impact,"
1140 as used in this section, means any development that ~~which~~,
1141 because of its character, magnitude, or location, would have a
1142 substantial effect upon the health, safety, or welfare of
1143 citizens of more than one county.

1144 (2) STATEWIDE GUIDELINES AND STANDARDS.—

1145 ~~(a)~~ The statewide guidelines and standards and the
1146 exemptions specified in s. 380.0651 and the statewide guidelines
1147 and standards adopted by the Administration Commission and
1148 codified in chapter 28-24, Florida Administrative Code, must be
1149 ~~state land planning agency shall recommend to the Administration~~
1150 ~~Commission specific statewide guidelines and standards for~~



1151 ~~adoption pursuant to this subsection. The Administration~~
1152 ~~Commission shall by rule adopt statewide guidelines and~~
1153 ~~standards to be used in determining whether particular~~
1154 ~~developments are subject to the requirements of subsection (12)~~
1155 ~~shall undergo development of regional impact review. The~~
1156 ~~statewide guidelines and standards previously adopted by the~~
1157 ~~Administration Commission and approved by the Legislature shall~~
1158 ~~remain in effect unless revised pursuant to this section or~~
1159 ~~superseded or repealed by statute by other provisions of law.~~

1160 ~~(b) In adopting its guidelines and standards, the~~
1161 ~~Administration Commission shall consider and shall be guided by:~~

1162 ~~1. The extent to which the development would create or~~
1163 ~~alleviate environmental problems such as air or water pollution~~
1164 ~~or noise.~~

1165 ~~2. The amount of pedestrian or vehicular traffic likely to~~
1166 ~~be generated.~~

1167 ~~3. The number of persons likely to be residents,~~
1168 ~~employees, or otherwise present.~~

1169 ~~4. The size of the site to be occupied.~~

1170 ~~5. The likelihood that additional or subsidiary~~
1171 ~~development will be generated.~~

1172 ~~6. The extent to which the development would create an~~
1173 ~~additional demand for, or additional use of, energy, including~~
1174 ~~the energy requirements of subsidiary developments.~~

1175 ~~7. The unique qualities of particular areas of the state.~~



1176 ~~(c) With regard to the changes in the guidelines and~~
1177 ~~standards authorized pursuant to this act, in determining~~
1178 ~~whether a proposed development must comply with the review~~
1179 ~~requirements of this section, the state land planning agency~~
1180 ~~shall apply the guidelines and standards which were in effect~~
1181 ~~when the developer received authorization to commence~~
1182 ~~development from the local government. If a developer has not~~
1183 ~~received authorization to commence development from the local~~
1184 ~~government prior to the effective date of new or amended~~
1185 ~~guidelines and standards, the new or amended guidelines and~~
1186 ~~standards shall apply.~~

1187 ~~(d)~~ The statewide guidelines and standards shall be
1188 applied as follows:

1189 (a) 1. Fixed thresholds.—

1190 ~~a.~~ A development that is below 100 percent of all
1191 numerical thresholds in the statewide guidelines and standards
1192 is not subject to subsection (12) ~~is not required to undergo~~
1193 ~~development of regional impact review.~~

1194 (b) b. A development that is at or above 100 ~~120~~ percent of
1195 any numerical threshold in the statewide guidelines and
1196 standards is subject to subsection (12) ~~shall be required to~~
1197 ~~undergo development of regional impact review.~~

1198 ~~e.~~ ~~Projects certified under s. 403.973 which create at~~
1199 ~~least 100 jobs and meet the criteria of the Department of~~
1200 ~~Economic Opportunity as to their impact on an area's economy,~~



1201 ~~employment, and prevailing wage and skill levels that are at or~~
1202 ~~below 100 percent of the numerical thresholds for industrial~~
1203 ~~plants, industrial parks, distribution, warehousing or~~
1204 ~~wholesaling facilities, office development or multiuse projects~~
1205 ~~other than residential, as described in s. 380.0651(3)(c) and~~
1206 ~~(f) are not required to undergo development-of-regional-impact~~
1207 ~~review.~~

1208 ~~2.—Rebuttable presumption. It shall be presumed that a~~
1209 ~~development that is at 100 percent or between 100 and 120~~
1210 ~~percent of a numerical threshold shall be required to undergo~~
1211 ~~development-of-regional-impact review.~~

1212 ~~(c) With respect to residential, hotel, motel, office, and~~
1213 ~~retail developments, the applicable guidelines and standards~~
1214 ~~shall be increased by 50 percent in urban central business~~
1215 ~~districts and regional activity centers of jurisdictions whose~~
1216 ~~local comprehensive plans are in compliance with part II of~~
1217 ~~chapter 163. With respect to multiuse developments, the~~
1218 ~~applicable individual use guidelines and standards for~~
1219 ~~residential, hotel, motel, office, and retail developments and~~
1220 ~~multiuse guidelines and standards shall be increased by 100~~
1221 ~~percent in urban central business districts and regional~~
1222 ~~activity centers of jurisdictions whose local comprehensive~~
1223 ~~plans are in compliance with part II of chapter 163, if one land~~
1224 ~~use of the multiuse development is residential and amounts to~~
1225 ~~not less than 35 percent of the jurisdiction's applicable~~



1226 ~~residential threshold. With respect to resort or convention~~
1227 ~~hotel developments, the applicable guidelines and standards~~
1228 ~~shall be increased by 150 percent in urban central business~~
1229 ~~districts and regional activity centers of jurisdictions whose~~
1230 ~~local comprehensive plans are in compliance with part II of~~
1231 ~~chapter 163 and where the increase is specifically for a~~
1232 ~~proposed resort or convention hotel located in a county with a~~
1233 ~~population greater than 500,000 and the local government~~
1234 ~~specifically designates that the proposed resort or convention~~
1235 ~~hotel development will serve an existing convention center of~~
1236 ~~more than 250,000 gross square feet built before July 1, 1992.~~
1237 ~~The applicable guidelines and standards shall be increased by~~
1238 ~~150 percent for development in any area designated by the~~
1239 ~~Governor as a rural area of opportunity pursuant to s. 288.0656~~
1240 ~~during the effectiveness of the designation.~~

1241 ~~(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND~~
1242 ~~STANDARDS. The state land planning agency, a regional planning~~
1243 ~~agency, or a local government may petition the Administration~~
1244 ~~Commission to increase or decrease the numerical thresholds of~~
1245 ~~any statewide guideline and standard. The state land planning~~
1246 ~~agency or the regional planning agency may petition for an~~
1247 ~~increase or decrease for a particular local government's~~
1248 ~~jurisdiction or a part of a particular jurisdiction. A local~~
1249 ~~government may petition for an increase or decrease within its~~
1250 ~~jurisdiction or a part of its jurisdiction. A number of requests~~



1251 ~~may be combined in a single petition.~~

1252 ~~(a) When a petition is filed, the state land planning~~
1253 ~~agency shall have no more than 180 days to prepare and submit to~~
1254 ~~the Administration Commission a report and recommendations on~~
1255 ~~the proposed variation. The report shall evaluate, and the~~
1256 ~~Administration Commission shall consider, the following~~
1257 ~~criteria:~~

1258 ~~1. Whether the local government has adopted and~~
1259 ~~effectively implemented a comprehensive plan that reflects and~~
1260 ~~implements the goals and objectives of an adopted state~~
1261 ~~comprehensive plan.~~

1262 ~~2. Any applicable policies in an adopted strategic~~
1263 ~~regional policy plan.~~

1264 ~~3. Whether the local government has adopted and~~
1265 ~~effectively implemented both a comprehensive set of land~~
1266 ~~development regulations, which regulations shall include a~~
1267 ~~planned unit development ordinance, and a capital improvements~~
1268 ~~plan that are consistent with the local government comprehensive~~
1269 ~~plan.~~

1270 ~~4. Whether the local government has adopted and~~
1271 ~~effectively implemented the authority and the fiscal mechanisms~~
1272 ~~for requiring developers to meet development order conditions.~~

1273 ~~5. Whether the local government has adopted and~~
1274 ~~effectively implemented and enforced satisfactory development~~
1275 ~~review procedures.~~



1276 ~~(b) The affected regional planning agency, adjoining local~~
1277 ~~governments, and the local government shall be given a~~
1278 ~~reasonable opportunity to submit recommendations to the~~
1279 ~~Administration Commission regarding any such proposed~~
1280 ~~variations.~~

1281 ~~(c) The Administration Commission shall have authority to~~
1282 ~~increase or decrease a threshold in the statewide guidelines and~~
1283 ~~standards up to 50 percent above or below the statewide~~
1284 ~~presumptive threshold. The commission may from time to time~~
1285 ~~reconsider changed thresholds and make additional variations as~~
1286 ~~it deems necessary.~~

1287 ~~(d) The Administration Commission shall adopt rules~~
1288 ~~setting forth the procedures for submission and review of~~
1289 ~~petitions filed pursuant to this subsection.~~

1290 ~~(e) Variations to guidelines and standards adopted by the~~
1291 ~~Administration Commission under this subsection shall be~~
1292 ~~transmitted on or before March 1 to the President of the Senate~~
1293 ~~and the Speaker of the House of Representatives for presentation~~
1294 ~~at the next regular session of the Legislature. Unless approved~~
1295 ~~as submitted by general law, the revisions shall not become~~
1296 ~~effective.~~

1297 (3) ~~(4)~~ BINDING LETTER.—

1298 (a) Any binding letter previously issued to a developer by
1299 the state land planning agency as to ~~If any developer is in~~
1300 ~~doubt~~ whether his or her proposed development must undergo



1301 development-of-regional-impact review ~~under the guidelines and~~
1302 ~~standards~~, whether his or her rights have vested pursuant to
1303 subsection (8) ~~(20)~~, or whether a proposed substantial change to
1304 a development of regional impact concerning which rights had
1305 previously vested pursuant to subsection (8) ~~(20)~~ would divest
1306 such rights, remains valid unless it expired on or before the
1307 effective date of this act ~~the developer may request a~~
1308 ~~determination from the state land planning agency. The developer~~
1309 ~~or the appropriate local government having jurisdiction may~~
1310 ~~request that the state land planning agency determine whether~~
1311 ~~the amount of development that remains to be built in an~~
1312 ~~approved development of regional impact meets the criteria of~~
1313 ~~subparagraph (15)(g)3.~~

1314 (b) Upon a request by the developer, a binding letter of
1315 interpretation regarding which rights had previously vested in a
1316 development of regional impact may be amended by the local
1317 government of jurisdiction, based on standards and procedures in
1318 the adopted local comprehensive plan or the adopted local land
1319 development code, to reflect a change to the plan of development
1320 and modification of vested rights, provided that any such
1321 amendment to a binding letter of vested rights must be
1322 consistent with s. 163.3167(5). Review of a request for an
1323 amendment to a binding letter of vested rights may not include a
1324 review of the impacts created by previously vested portions of
1325 the development ~~Unless a developer waives the requirements of~~



1326 ~~this paragraph by agreeing to undergo development of regional~~
1327 ~~impact review pursuant to this section, the state land planning~~
1328 ~~agency or local government with jurisdiction over the land on~~
1329 ~~which a development is proposed may require a developer to~~
1330 ~~obtain a binding letter if the development is at a presumptive~~
1331 ~~numerical threshold or up to 20 percent above a numerical~~
1332 ~~threshold in the guidelines and standards.~~

1333 ~~(c) Any local government may petition the state land~~
1334 ~~planning agency to require a developer of a development located~~
1335 ~~in an adjacent jurisdiction to obtain a binding letter of~~
1336 ~~interpretation. The petition shall contain facts to support a~~
1337 ~~finding that the development as proposed is a development of~~
1338 ~~regional impact. This paragraph shall not be construed to grant~~
1339 ~~standing to the petitioning local government to initiate an~~
1340 ~~administrative or judicial proceeding pursuant to this chapter.~~

1341 ~~(d) A request for a binding letter of interpretation shall~~
1342 ~~be in writing and in such form and content as prescribed by the~~
1343 ~~state land planning agency. Within 15 days of receiving an~~
1344 ~~application for a binding letter of interpretation or a~~
1345 ~~supplement to a pending application, the state land planning~~
1346 ~~agency shall determine and notify the applicant whether the~~
1347 ~~information in the application is sufficient to enable the~~
1348 ~~agency to issue a binding letter or shall request any additional~~
1349 ~~information needed. The applicant shall either provide the~~
1350 ~~additional information requested or shall notify the state land~~



1351 ~~planning agency in writing that the information will not be~~
1352 ~~supplied and the reasons therefor. If the applicant does not~~
1353 ~~respond to the request for additional information within 120~~
1354 ~~days, the application for a binding letter of interpretation~~
1355 ~~shall be deemed to be withdrawn. Within 35 days after~~
1356 ~~acknowledging receipt of a sufficient application, or of~~
1357 ~~receiving notification that the information will not be~~
1358 ~~supplied, the state land planning agency shall issue a binding~~
1359 ~~letter of interpretation with respect to the proposed~~
1360 ~~development. A binding letter of interpretation issued by the~~
1361 ~~state land planning agency shall bind all state, regional, and~~
1362 ~~local agencies, as well as the developer.~~

1363 ~~(e) In determining whether a proposed substantial change~~
1364 ~~to a development of regional impact concerning which rights had~~
1365 ~~previously vested pursuant to subsection (20) would divest such~~
1366 ~~rights, the state land planning agency shall review the proposed~~
1367 ~~change within the context of:~~

- 1368 ~~1. Criteria specified in paragraph (19) (b);~~
- 1369 ~~2. Its conformance with any adopted state comprehensive~~
1370 ~~plan and any rules of the state land planning agency;~~
- 1371 ~~3. All rights and obligations arising out of the vested~~
1372 ~~status of such development;~~
- 1373 ~~4. Permit conditions or requirements imposed by the~~
1374 ~~Department of Environmental Protection or any water management~~
1375 ~~district created by s. 373.069 or any of their successor~~



1376 ~~agencies or by any appropriate federal regulatory agency; and~~
1377 ~~5. Any regional impacts arising from the proposed change.~~

1378 ~~(f) If a proposed substantial change to a development of~~
1379 ~~regional impact concerning which rights had previously vested~~
1380 ~~pursuant to subsection (20) would result in reduced regional~~
1381 ~~impacts, the change shall not divest rights to complete the~~
1382 ~~development pursuant to subsection (20). Furthermore, where all~~
1383 ~~or a portion of the development of regional impact for which~~
1384 ~~rights had previously vested pursuant to subsection (20) is~~
1385 ~~demolished and reconstructed within the same approximate~~
1386 ~~footprint of buildings and parking lots, so that any change in~~
1387 ~~the size of the development does not exceed the criteria of~~
1388 ~~paragraph (19) (b), such demolition and reconstruction shall not~~
1389 ~~divest the rights which had vested.~~

1390 ~~(c)~~(g) Every binding letter determining that a proposed
1391 development is not a development of regional impact, but not
1392 including binding letters of vested rights or of modification of
1393 vested rights, shall expire and become void unless the plan of
1394 development has been substantially commenced within:

1395 1. Three years from October 1, 1985, for binding letters
1396 issued prior to the effective date of this act; or

1397 2. Three years from the date of issuance of binding
1398 letters issued on or after October 1, 1985.

1399 ~~(d)~~(h) The expiration date of a binding letter begins,
1400 ~~established pursuant to paragraph (g), shall begin to run after~~



1401 final disposition of all administrative and judicial appeals of
1402 the binding letter and may be extended by mutual agreement of
1403 the state land planning agency, the local government of
1404 jurisdiction, and the developer.

1405 ~~(e)(i) In response to an inquiry from a developer or the~~
1406 ~~appropriate local government having jurisdiction, the state land~~
1407 ~~planning agency may issue~~ An informal determination by the state
1408 land planning agency, in the form of a clearance letter as to
1409 whether a development is required to undergo development-of-
1410 regional-impact review or whether the amount of development that
1411 remains to be built in an approved development of regional
1412 impact, remains valid unless it expired on or before the
1413 effective date of this act ~~meets the criteria of subparagraph~~
1414 ~~(15)(g)3. A clearance letter may be based solely on the~~
1415 ~~information provided by the developer, and the state land~~
1416 ~~planning agency is not required to conduct an investigation of~~
1417 ~~that information. If any material information provided by the~~
1418 ~~developer is incomplete or inaccurate, the clearance letter is~~
1419 ~~not binding upon the state land planning agency. A clearance~~
1420 ~~letter does not constitute final agency action.~~

1421 ~~(5) AUTHORIZATION TO DEVELOP.—~~

1422 ~~(a)1. A developer who is required to undergo development-~~
1423 ~~of-regional-impact review may undertake a development of~~
1424 ~~regional impact if the development has been approved under the~~
1425 ~~requirements of this section.~~



1426 ~~2. If the land on which the development is proposed is~~
1427 ~~within an area of critical state concern, the development must~~
1428 ~~also be approved under the requirements of s. 380.05.~~

1429 ~~(b) State or regional agencies may inquire whether a~~
1430 ~~proposed project is undergoing or will be required to undergo~~
1431 ~~development of regional impact review. If a project is~~
1432 ~~undergoing or will be required to undergo development of~~
1433 ~~regional impact review, any state or regional permit necessary~~
1434 ~~for the construction or operation of the project that is valid~~
1435 ~~for 5 years or less shall take effect, and the period of time~~
1436 ~~for which the permit is valid shall begin to run, upon~~
1437 ~~expiration of the time allowed for an administrative appeal of~~
1438 ~~the development or upon final action following an administrative~~
1439 ~~appeal or judicial review, whichever is later. However, if the~~
1440 ~~application for development approval is not filed within 18~~
1441 ~~months after the issuance of the permit, the time of validity of~~
1442 ~~the permit shall be considered to be from the date of issuance~~
1443 ~~of the permit. If a project is required to obtain a binding~~
1444 ~~letter under subsection (4), any state or regional agency permit~~
1445 ~~necessary for the construction or operation of the project that~~
1446 ~~is valid for 5 years or less shall take effect, and the period~~
1447 ~~of time for which the permit is valid shall begin to run, only~~
1448 ~~after the developer obtains a binding letter stating that the~~
1449 ~~project is not required to undergo development of regional~~
1450 ~~impact review or after the developer obtains a development order~~



1451 ~~pursuant to this section.~~

1452 ~~(c) Prior to the issuance of a final development order,~~
1453 ~~the developer may elect to be bound by the rules adopted~~
1454 ~~pursuant to chapters 373 and 403 in effect when such development~~
1455 ~~order is issued. The rules adopted pursuant to chapters 373 and~~
1456 ~~403 in effect at the time such development order is issued shall~~
1457 ~~be applicable to all applications for permits pursuant to those~~
1458 ~~chapters and which are necessary for and consistent with the~~
1459 ~~development authorized in such development order, except that a~~
1460 ~~later adopted rule shall be applicable to an application if:~~

1461 ~~1. The later adopted rule is determined by the rule-~~
1462 ~~adopting agency to be essential to the public health, safety, or~~
1463 ~~welfare;~~

1464 ~~2. The later adopted rule is adopted pursuant to s.~~
1465 ~~403.061(27);~~

1466 ~~3. The later adopted rule is being adopted pursuant to a~~
1467 ~~subsequently enacted statutorily mandated program;~~

1468 ~~4. The later adopted rule is mandated in order for the~~
1469 ~~state to maintain delegation of a federal program; or~~

1470 ~~5. The later adopted rule is required by state or federal~~
1471 ~~law.~~

1472 ~~(d) The provision of day care service facilities in~~
1473 ~~developments approved pursuant to this section is permissible~~
1474 ~~but is not required.~~

1475



1476 ~~Further, in order for any developer to apply for permits~~
1477 ~~pursuant to this provision, the application must be filed within~~
1478 ~~5 years from the issuance of the final development order and the~~
1479 ~~permit shall not be effective for more than 8 years from the~~
1480 ~~issuance of the final development order. Nothing in this~~
1481 ~~paragraph shall be construed to alter or change any permitting~~
1482 ~~agency's authority to approve permits or to determine applicable~~
1483 ~~criteria for longer periods of time.~~

1484 ~~(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT~~
1485 ~~PLAN AMENDMENTS.~~

1486 ~~(a) Prior to undertaking any development, a developer that~~
1487 ~~is required to undergo development-of-regional-impact review~~
1488 ~~shall file an application for development approval with the~~
1489 ~~appropriate local government having jurisdiction. The~~
1490 ~~application shall contain, in addition to such other matters as~~
1491 ~~may be required, a statement that the developer proposes to~~
1492 ~~undertake a development of regional impact as required under~~
1493 ~~this section.~~

1494 ~~(b) Any local government comprehensive plan amendments~~
1495 ~~related to a proposed development of regional impact, including~~
1496 ~~any changes proposed under subsection (19), may be initiated by~~
1497 ~~a local planning agency or the developer and must be considered~~
1498 ~~by the local governing body at the same time as the application~~
1499 ~~for development approval using the procedures provided for local~~
1500 ~~plan amendment in s. 163.3184 and applicable local ordinances,~~



1501 ~~without regard to local limits on the frequency of consideration~~
1502 ~~of amendments to the local comprehensive plan. This paragraph~~
1503 ~~does not require favorable consideration of a plan amendment~~
1504 ~~solely because it is related to a development of regional~~
1505 ~~impact. The procedure for processing such comprehensive plan~~
1506 ~~amendments is as follows:~~

1507 ~~1. If a developer seeks a comprehensive plan amendment~~
1508 ~~related to a development of regional impact, the developer must~~
1509 ~~so notify in writing the regional planning agency, the~~
1510 ~~applicable local government, and the state land planning agency~~
1511 ~~no later than the date of preapplication conference or the~~
1512 ~~submission of the proposed change under subsection (19).~~

1513 ~~2. When filing the application for development approval or~~
1514 ~~the proposed change, the developer must include a written~~
1515 ~~request for comprehensive plan amendments that would be~~
1516 ~~necessitated by the development of regional impact approvals~~
1517 ~~sought. That request must include data and analysis upon which~~
1518 ~~the applicable local government can determine whether to~~
1519 ~~transmit the comprehensive plan amendment pursuant to s.~~
1520 ~~163.3184.~~

1521 ~~3. The local government must advertise a public hearing on~~
1522 ~~the transmittal within 30 days after filing the application for~~
1523 ~~development approval or the proposed change and must make a~~
1524 ~~determination on the transmittal within 60 days after the~~
1525 ~~initial filing unless that time is extended by the developer.~~



1526 ~~4. If the local government approves the transmittal,~~
1527 ~~procedures set forth in s. 163.3184 must be followed.~~

1528 ~~5. Notwithstanding subsection (11) or subsection (19), the~~
1529 ~~local government may not hold a public hearing on the~~
1530 ~~application for development approval or the proposed change or~~
1531 ~~on the comprehensive plan amendments sooner than 30 days after~~
1532 ~~reviewing agency comments are due to the local government~~
1533 ~~pursuant to s. 163.3184.~~

1534 ~~6. The local government must hear both the application for~~
1535 ~~development approval or the proposed change and the~~
1536 ~~comprehensive plan amendments at the same hearing. However, the~~
1537 ~~local government must take action separately on the application~~
1538 ~~for development approval or the proposed change and on the~~
1539 ~~comprehensive plan amendments.~~

1540 ~~7. Thereafter, the appeal process for the local government~~
1541 ~~development order must follow the provisions of s. 380.07, and~~
1542 ~~the compliance process for the comprehensive plan amendments~~
1543 ~~must follow the provisions of s. 163.3184.~~

1544 ~~(7) PREAPPLICATION PROCEDURES.—~~

1545 ~~(a) Before filing an application for development approval,~~
1546 ~~the developer shall contact the regional planning agency having~~
1547 ~~jurisdiction over the proposed development to arrange a~~
1548 ~~preapplication conference. Upon the request of the developer or~~
1549 ~~the regional planning agency, other affected state and regional~~
1550 ~~agencies shall participate in this conference and shall identify~~



1551 ~~the types of permits issued by the agencies, the level of~~
1552 ~~information required, and the permit issuance procedures as~~
1553 ~~applied to the proposed development. The levels of service~~
1554 ~~required in the transportation methodology shall be the same~~
1555 ~~levels of service used to evaluate concurrency in accordance~~
1556 ~~with s. 163.3180. The regional planning agency shall provide the~~
1557 ~~developer information about the development of regional impact~~
1558 ~~process and the use of preapplication conferences to identify~~
1559 ~~issues, coordinate appropriate state and local agency~~
1560 ~~requirements, and otherwise promote a proper and efficient~~
1561 ~~review of the proposed development. If an agreement is reached~~
1562 ~~regarding assumptions and methodology to be used in the~~
1563 ~~application for development approval, the reviewing agencies may~~
1564 ~~not subsequently object to those assumptions and methodologies~~
1565 ~~unless subsequent changes to the project or information obtained~~
1566 ~~during the review make those assumptions and methodologies~~
1567 ~~inappropriate. The reviewing agencies may make only~~
1568 ~~recommendations or comments regarding a proposed development~~
1569 ~~which are consistent with the statutes, rules, or adopted local~~
1570 ~~government ordinances that are applicable to developments in the~~
1571 ~~jurisdiction where the proposed development is located.~~

1572 ~~(b) The regional planning agency shall establish by rule a~~
1573 ~~procedure by which a developer may enter into binding written~~
1574 ~~agreements with the regional planning agency to eliminate~~
1575 ~~questions from the application for development approval when~~



1576 ~~those questions are found to be unnecessary for development of~~
1577 ~~regional impact review. It is the legislative intent of this~~
1578 ~~subsection to encourage reduction of paperwork, to discourage~~
1579 ~~unnecessary gathering of data, and to encourage the coordination~~
1580 ~~of the development of regional impact review process with~~
1581 ~~federal, state, and local environmental reviews when such~~
1582 ~~reviews are required by law.~~

1583 ~~(c) If the application for development approval is not~~
1584 ~~submitted within 1 year after the date of the preapplication~~
1585 ~~conference, the regional planning agency, the local government~~
1586 ~~having jurisdiction, or the applicant may request that another~~
1587 ~~preapplication conference be held.~~

1588 ~~(8) PRELIMINARY DEVELOPMENT AGREEMENTS.~~

1589 ~~(a) A developer may enter into a written preliminary~~
1590 ~~development agreement with the state land planning agency to~~
1591 ~~allow a developer to proceed with a limited amount of the total~~
1592 ~~proposed development, subject to all other governmental~~
1593 ~~approvals and solely at the developer's own risk, prior to~~
1594 ~~issuance of a final development order. All owners of the land in~~
1595 ~~the total proposed development shall join the developer as~~
1596 ~~parties to the agreement. Each agreement shall include and be~~
1597 ~~subject to the following conditions:~~

1598 ~~1. The developer shall comply with the preapplication~~
1599 ~~conference requirements pursuant to subsection (7) within 45~~
1600 ~~days after the execution of the agreement.~~



1601 ~~2. The developer shall file an application for development~~
1602 ~~approval for the total proposed development within 3 months~~
1603 ~~after execution of the agreement, unless the state land planning~~
1604 ~~agency agrees to a different time for good cause shown. Failure~~
1605 ~~to timely file an application and to otherwise diligently~~
1606 ~~proceed in good faith to obtain a final development order shall~~
1607 ~~constitute a breach of the preliminary development agreement.~~

1608 ~~3. The agreement shall include maps and legal descriptions~~
1609 ~~of both the preliminary development area and the total proposed~~
1610 ~~development area and shall specifically describe the preliminary~~
1611 ~~development in terms of magnitude and location. The area~~
1612 ~~approved for preliminary development must be included in the~~
1613 ~~application for development approval and shall be subject to the~~
1614 ~~terms and conditions of the final development order.~~

1615 ~~4. The preliminary development shall be limited to lands~~
1616 ~~that the state land planning agency agrees are suitable for~~
1617 ~~development and shall only be allowed in areas where adequate~~
1618 ~~public infrastructure exists to accommodate the preliminary~~
1619 ~~development, when such development will utilize public~~
1620 ~~infrastructure. The developer must also demonstrate that the~~
1621 ~~preliminary development will not result in material adverse~~
1622 ~~impacts to existing resources or existing or planned facilities.~~

1623 ~~5. The preliminary development agreement may allow~~
1624 ~~development which is:~~

1625 ~~a. Less than 100 percent of any applicable threshold if~~



1626 ~~the developer demonstrates that such development is consistent~~
1627 ~~with subparagraph 4.; or~~

1628 ~~b. Less than 120 percent of any applicable threshold if~~
1629 ~~the developer demonstrates that such development is part of a~~
1630 ~~proposed downtown development of regional impact specified in~~
1631 ~~subsection (22) or part of any areawide development of regional~~
1632 ~~impact specified in subsection (25) and that the development is~~
1633 ~~consistent with subparagraph 4.~~

1634 ~~6. The developer and owners of the land may not claim~~
1635 ~~vested rights, or assert equitable estoppel, arising from the~~
1636 ~~agreement or any expenditures or actions taken in reliance on~~
1637 ~~the agreement to continue with the total proposed development~~
1638 ~~beyond the preliminary development. The agreement shall not~~
1639 ~~entitle the developer to a final development order approving the~~
1640 ~~total proposed development or to particular conditions in a~~
1641 ~~final development order.~~

1642 ~~7. The agreement shall not prohibit the regional planning~~
1643 ~~agency from reviewing or commenting on any regional issue that~~
1644 ~~the regional agency determines should be included in the~~
1645 ~~regional agency's report on the application for development~~
1646 ~~approval.~~

1647 ~~8. The agreement shall include a disclosure by the~~
1648 ~~developer and all the owners of the land in the total proposed~~
1649 ~~development of all land or development within 5 miles of the~~
1650 ~~total proposed development in which they have an interest and~~



1651 ~~shall describe such interest.~~

1652 ~~9. In the event of a breach of the agreement or failure to~~
1653 ~~comply with any condition of the agreement, or if the agreement~~
1654 ~~was based on materially inaccurate information, the state land~~
1655 ~~planning agency may terminate the agreement or file suit to~~
1656 ~~enforce the agreement as provided in this section and s. 380.11,~~
1657 ~~including a suit to enjoin all development.~~

1658 ~~10. A notice of the preliminary development agreement~~
1659 ~~shall be recorded by the developer in accordance with s. 28.222~~
1660 ~~with the clerk of the circuit court for each county in which~~
1661 ~~land covered by the terms of the agreement is located. The~~
1662 ~~notice shall include a legal description of the land covered by~~
1663 ~~the agreement and shall state the parties to the agreement, the~~
1664 ~~date of adoption of the agreement and any subsequent amendments,~~
1665 ~~the location where the agreement may be examined, and that the~~
1666 ~~agreement constitutes a land development regulation applicable~~
1667 ~~to portions of the land covered by the agreement. The provisions~~
1668 ~~of the agreement shall inure to the benefit of and be binding~~
1669 ~~upon successors and assigns of the parties in the agreement.~~

1670 ~~11. Except for those agreements which authorize~~
1671 ~~preliminary development for substantial deviations pursuant to~~
1672 ~~subsection (19), a developer who no longer wishes to pursue a~~
1673 ~~development of regional impact may propose to abandon any~~
1674 ~~preliminary development agreement executed after January 1,~~
1675 ~~1985, including those pursuant to s. 380.032(3), provided at the~~



1676 ~~time of abandonment:~~

1677 ~~a. A final development order under this section has been~~
1678 ~~rendered that approves all of the development actually~~
1679 ~~constructed; or~~

1680 ~~b. The amount of development is less than 100 percent of~~
1681 ~~all numerical thresholds of the guidelines and standards, and~~
1682 ~~the state land planning agency determines in writing that the~~
1683 ~~development to date is in compliance with all applicable local~~
1684 ~~regulations and the terms and conditions of the preliminary~~
1685 ~~development agreement and otherwise adequately mitigates for the~~
1686 ~~impacts of the development to date.~~

1687
1688 ~~In either event, when a developer proposes to abandon said~~
1689 ~~agreement, the developer shall give written notice and state~~
1690 ~~that he or she is no longer proposing a development of regional~~
1691 ~~impact and provide adequate documentation that he or she has met~~
1692 ~~the criteria for abandonment of the agreement to the state land~~
1693 ~~planning agency. Within 30 days of receipt of adequate~~
1694 ~~documentation of such notice, the state land planning agency~~
1695 ~~shall make its determination as to whether or not the developer~~
1696 ~~meets the criteria for abandonment. Once the state land planning~~
1697 ~~agency determines that the developer meets the criteria for~~
1698 ~~abandonment, the state land planning agency shall issue a notice~~
1699 ~~of abandonment which shall be recorded by the developer in~~
1700 ~~accordance with s. 28.222 with the clerk of the circuit court~~



1701 ~~for each county in which land covered by the terms of the~~
1702 ~~agreement is located.~~

1703 ~~(b) The state land planning agency may enter into other~~
1704 ~~types of agreements to effectuate the provisions of this act as~~
1705 ~~provided in s. 380.032.~~

1706 ~~(c) The provisions of this subsection shall also be~~
1707 ~~available to a developer who chooses to seek development~~
1708 ~~approval of a Florida Quality Development pursuant to s.~~
1709 ~~380.061.~~

1710 ~~(9) CONCEPTUAL AGENCY REVIEW.—~~

1711 ~~(a)1. In order to facilitate the planning and preparation~~
1712 ~~of permit applications for projects that undergo development of~~
1713 ~~regional impact review, and in order to coordinate the~~
1714 ~~information required to issue such permits, a developer may~~
1715 ~~elect to request conceptual agency review under this subsection~~
1716 ~~either concurrently with development of regional impact review~~
1717 ~~and comprehensive plan amendments, if applicable, or subsequent~~
1718 ~~to a preapplication conference held pursuant to subsection (7).~~

1719 ~~2. "Conceptual agency review" means general review of the~~
1720 ~~proposed location, densities, intensity of use, character, and~~
1721 ~~major design features of a proposed development required to~~
1722 ~~undergo review under this section for the purpose of considering~~
1723 ~~whether these aspects of the proposed development comply with~~
1724 ~~the issuing agency's statutes and rules.~~

1725 ~~3. Conceptual agency review is a licensing action subject~~



1726 ~~to chapter 120, and approval or denial constitutes final agency~~
1727 ~~action, except that the 90-day time period specified in s.~~
1728 ~~120.60(1) shall be tolled for the agency when the affected~~
1729 ~~regional planning agency requests information from the developer~~
1730 ~~pursuant to paragraph (10)(b). If proposed agency action on the~~
1731 ~~conceptual approval is the subject of a proceeding under ss.~~
1732 ~~120.569 and 120.57, final agency action shall be conclusive as~~
1733 ~~to any issues actually raised and adjudicated in the proceeding,~~
1734 ~~and such issues may not be raised in any subsequent proceeding~~
1735 ~~under ss. 120.569 and 120.57 on the proposed development by any~~
1736 ~~parties to the prior proceeding.~~

1737 ~~4. A conceptual agency review approval shall be valid for~~
1738 ~~up to 10 years, unless otherwise provided in a state or regional~~
1739 ~~agency rule, and may be reviewed and reissued for additional~~
1740 ~~periods of time under procedures established by the agency.~~

1741 ~~(b) The Department of Environmental Protection, each water~~
1742 ~~management district, and each other state or regional agency~~
1743 ~~that requires construction or operation permits shall establish~~
1744 ~~by rule a set of procedures necessary for conceptual agency~~
1745 ~~review for the following permitting activities within their~~
1746 ~~respective regulatory jurisdictions:~~

1747 ~~1. The construction and operation of potential sources of~~
1748 ~~water pollution, including industrial wastewater, domestic~~
1749 ~~wastewater, and stormwater.~~

1750 ~~2. Dredging and filling activities.~~



1751 ~~3. The management and storage of surface waters.~~

1752 ~~4. The construction and operation of works of the~~

1753 ~~district, only if a conceptual agency review approval is~~

1754 ~~requested under subparagraph 3.~~

1755

1756 ~~Any state or regional agency may establish rules for conceptual~~

1757 ~~agency review for any other permitting activities within its~~

1758 ~~respective regulatory jurisdiction.~~

1759 ~~(c)1. Each agency participating in conceptual agency~~

1760 ~~reviews shall determine and establish by rule its information~~

1761 ~~and application requirements and furnish these requirements to~~

1762 ~~the state land planning agency and to any developer seeking~~

1763 ~~conceptual agency review under this subsection.~~

1764 ~~2. Each agency shall cooperate with the state land~~

1765 ~~planning agency to standardize, to the extent possible, review~~

1766 ~~procedures, data requirements, and data collection methodologies~~

1767 ~~among all participating agencies, consistent with the~~

1768 ~~requirements of the statutes that establish the permitting~~

1769 ~~programs for each agency.~~

1770 ~~(d) At the conclusion of the conceptual agency review, the~~

1771 ~~agency shall give notice of its proposed agency action as~~

1772 ~~required by s. 120.60(3) and shall forward a copy of the notice~~

1773 ~~to the appropriate regional planning council with a report~~

1774 ~~setting out the agency's conclusions on potential development~~

1775 ~~impacts and stating whether the agency intends to grant~~



1776 ~~conceptual approval, with or without conditions, or to deny~~
1777 ~~conceptual approval. If the agency intends to deny conceptual~~
1778 ~~approval, the report shall state the reasons therefor. The~~
1779 ~~agency may require the developer to publish notice of proposed~~
1780 ~~agency action in accordance with s. 403.815.~~

1781 ~~(c) An agency's decision to grant conceptual approval~~
1782 ~~shall not relieve the developer of the requirement to obtain a~~
1783 ~~permit and to meet the standards for issuance of a construction~~
1784 ~~or operation permit or to meet the agency's information~~
1785 ~~requirements for such a permit. Nevertheless, there shall be a~~
1786 ~~rebuttable presumption that the developer is entitled to receive~~
1787 ~~a construction or operation permit for an activity for which the~~
1788 ~~agency granted conceptual review approval, to the extent that~~
1789 ~~the project for which the applicant seeks a permit is in~~
1790 ~~accordance with the conceptual approval and with the agency's~~
1791 ~~standards and criteria for issuing a construction or operation~~
1792 ~~permit. The agency may revoke or appropriately modify a valid~~
1793 ~~conceptual approval if the agency shows:~~

1794 ~~1. That an applicant or his or her agent has submitted~~
1795 ~~materially false or inaccurate information in the application~~
1796 ~~for conceptual approval;~~

1797 ~~2. That the developer has violated a condition of the~~
1798 ~~conceptual approval; or~~

1799 ~~3. That the development will cause a violation of the~~
1800 ~~agency's applicable laws or rules.~~



1801 ~~(f) Nothing contained in this subsection shall modify or~~
1802 ~~abridge the law of vested rights or estoppel.~~

1803 ~~(g) Nothing contained in this subsection shall be~~
1804 ~~construed to preclude an agency from adopting rules for~~
1805 ~~conceptual review for developments which are not developments of~~
1806 ~~regional impact.~~

1807 ~~(10) APPLICATION; SUFFICIENCY.—~~

1808 ~~(a) When an application for development approval is filed~~
1809 ~~with a local government, the developer shall also send copies of~~
1810 ~~the application to the appropriate regional planning agency and~~
1811 ~~the state land planning agency.~~

1812 ~~(b) If a regional planning agency determines that the~~
1813 ~~application for development approval is insufficient for the~~
1814 ~~agency to discharge its responsibilities under subsection (12),~~
1815 ~~it shall provide in writing to the appropriate local government~~
1816 ~~and the applicant a statement of any additional information~~
1817 ~~desired within 30 days of the receipt of the application by the~~
1818 ~~regional planning agency. The applicant may supply the~~
1819 ~~information requested by the regional planning agency and shall~~
1820 ~~communicate its intention to do so in writing to the appropriate~~
1821 ~~local government and the regional planning agency within 5~~
1822 ~~working days of the receipt of the statement requesting such~~
1823 ~~information, or the applicant shall notify the appropriate local~~
1824 ~~government and the regional planning agency in writing that the~~
1825 ~~requested information will not be supplied. Within 30 days after~~



1826 ~~receipt of such additional information, the regional planning~~
1827 ~~agency shall review it and may request only that information~~
1828 ~~needed to clarify the additional information or to answer new~~
1829 ~~questions raised by, or directly related to, the additional~~
1830 ~~information. The regional planning agency may request additional~~
1831 ~~information no more than twice, unless the developer waives this~~
1832 ~~limitation. If an applicant does not provide the information~~
1833 ~~requested by a regional planning agency within 120 days of its~~
1834 ~~request, or within a time agreed upon by the applicant and the~~
1835 ~~regional planning agency, the application shall be considered~~
1836 ~~withdrawn.~~

1837 ~~(c) The regional planning agency shall notify the local~~
1838 ~~government that a public hearing date may be set when the~~
1839 ~~regional planning agency determines that the application is~~
1840 ~~sufficient or when it receives notification from the developer~~
1841 ~~that the additional requested information will not be supplied,~~
1842 ~~as provided for in paragraph (b).~~

1843 ~~(11) LOCAL NOTICE. Upon receipt of the sufficiency~~
1844 ~~notification from the regional planning agency required by~~
1845 ~~paragraph (10) (c), the appropriate local government shall give~~
1846 ~~notice and hold a public hearing on the application in the same~~
1847 ~~manner as for a rezoning as provided under the appropriate~~
1848 ~~special or local law or ordinance, except that such hearing~~
1849 ~~proceedings shall be recorded by tape or a certified court~~
1850 ~~reporter and made available for transcription at the expense of~~



1851 ~~any interested party. When a development of regional impact is~~
1852 ~~proposed within the jurisdiction of more than one local~~
1853 ~~government, the local governments, at the request of the~~
1854 ~~developer, may hold a joint public hearing. The local government~~
1855 ~~shall comply with the following additional requirements:~~

1856 ~~(a) The notice of public hearing shall state that the~~
1857 ~~proposed development is undergoing a development of regional~~
1858 ~~impact review.~~

1859 ~~(b) The notice shall be published at least 60 days in~~
1860 ~~advance of the hearing and shall specify where the information~~
1861 ~~and reports on the development of regional impact application~~
1862 ~~may be reviewed.~~

1863 ~~(c) The notice shall be given to the state land planning~~
1864 ~~agency, to the applicable regional planning agency, to any state~~
1865 ~~or regional permitting agency participating in a conceptual~~
1866 ~~agency review process under subsection (9), and to such other~~
1867 ~~persons as may have been designated by the state land planning~~
1868 ~~agency as entitled to receive such notices.~~

1869 ~~(d) A public hearing date shall be set by the appropriate~~
1870 ~~local government at the next scheduled meeting. The public~~
1871 ~~hearing shall be held no later than 90 days after issuance of~~
1872 ~~notice by the regional planning agency that a public hearing may~~
1873 ~~be set, unless an extension is requested by the applicant.~~

1874 ~~(12) REGIONAL REPORTS.—~~

1875 ~~(a) Within 50 days after receipt of the notice of public~~



1876 ~~hearing required in paragraph (11) (c), the regional planning~~
1877 ~~agency, if one has been designated for the area including the~~
1878 ~~local government, shall prepare and submit to the local~~
1879 ~~government a report and recommendations on the regional impact~~
1880 ~~of the proposed development. In preparing its report and~~
1881 ~~recommendations, the regional planning agency shall identify~~
1882 ~~regional issues based upon the following review criteria and~~
1883 ~~make recommendations to the local government on these regional~~
1884 ~~issues, specifically considering whether, and the extent to~~
1885 ~~which:~~

1886 ~~1. The development will have a favorable or unfavorable~~
1887 ~~impact on state or regional resources or facilities identified~~
1888 ~~in the applicable state or regional plans. As used in this~~
1889 ~~subsection, the term "applicable state plan" means the state~~
1890 ~~comprehensive plan. As used in this subsection, the term~~
1891 ~~"applicable regional plan" means an adopted strategic regional~~
1892 ~~policy plan.~~

1893 ~~2. The development will significantly impact adjacent~~
1894 ~~jurisdictions. At the request of the appropriate local~~
1895 ~~government, regional planning agencies may also review and~~
1896 ~~comment upon issues that affect only the requesting local~~
1897 ~~government.~~

1898 ~~3. As one of the issues considered in the review in~~
1899 ~~subparagraphs 1. and 2., the development will favorably or~~
1900 ~~adversely affect the ability of people to find adequate housing~~



1901 ~~reasonably accessible to their places of employment if the~~
1902 ~~regional planning agency has adopted an affordable housing~~
1903 ~~policy as part of its strategic regional policy plan. The~~
1904 ~~determination should take into account information on factors~~
1905 ~~that are relevant to the availability of reasonably accessible~~
1906 ~~adequate housing. Adequate housing means housing that is~~
1907 ~~available for occupancy and that is not substandard.~~

1908 ~~(b) The regional planning agency report must contain~~
1909 ~~recommendations that are consistent with the standards required~~
1910 ~~by the applicable state permitting agencies or the water~~
1911 ~~management district.~~

1912 ~~(c) At the request of the regional planning agency, other~~
1913 ~~appropriate agencies shall review the proposed development and~~
1914 ~~shall prepare reports and recommendations on issues that are~~
1915 ~~clearly within the jurisdiction of those agencies. Such agency~~
1916 ~~reports shall become part of the regional planning agency~~
1917 ~~report; however, the regional planning agency may attach~~
1918 ~~dissenting views. When water management district and Department~~
1919 ~~of Environmental Protection permits have been issued pursuant to~~
1920 ~~chapter 373 or chapter 403, the regional planning council may~~
1921 ~~comment on the regional implications of the permits but may not~~
1922 ~~offer conflicting recommendations.~~

1923 ~~(d) The regional planning agency shall afford the~~
1924 ~~developer or any substantially affected party reasonable~~
1925 ~~opportunity to present evidence to the regional planning agency~~



1926 ~~head relating to the proposed regional agency report and~~
1927 ~~recommendations.~~

1928 ~~(c) If the location of a proposed development involves~~
1929 ~~land within the boundaries of multiple regional planning~~
1930 ~~councils, the state land planning agency shall designate a lead~~
1931 ~~regional planning council. The lead regional planning council~~
1932 ~~shall prepare the regional report.~~

1933 ~~(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN. If the~~
1934 ~~development is in an area of critical state concern, the local~~
1935 ~~government shall approve it only if it complies with the land~~
1936 ~~development regulations therefor under s. 380.05 and the~~
1937 ~~provisions of this section. The provisions of this section shall~~
1938 ~~not apply to developments in areas of critical state concern~~
1939 ~~which had pending applications and had been noticed or agendaed~~
1940 ~~by local government after September 1, 1985, and before October~~
1941 ~~1, 1985, for development order approval. In all such cases, the~~
1942 ~~state land planning agency may consider and address applicable~~
1943 ~~regional issues contained in subsection (12) as part of its~~
1944 ~~area-of-critical-state-concern review pursuant to ss. 380.05,~~
1945 ~~380.07, and 380.11.~~

1946 ~~(14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN. If~~
1947 ~~the development is not located in an area of critical state~~
1948 ~~concern, in considering whether the development is approved,~~
1949 ~~denied, or approved subject to conditions, restrictions, or~~
1950 ~~limitations, the local government shall consider whether, and~~



1951 ~~the extent to which:~~

1952 ~~(a) The development is consistent with the local~~
1953 ~~comprehensive plan and local land development regulations.~~

1954 ~~(b) The development is consistent with the report and~~
1955 ~~recommendations of the regional planning agency submitted~~
1956 ~~pursuant to subsection (12).~~

1957 ~~(c) The development is consistent with the State~~
1958 ~~Comprehensive Plan. In consistency determinations, the plan~~
1959 ~~shall be construed and applied in accordance with s. 187.101(3).~~

1960
1961 ~~However, a local government may approve a change to a~~
1962 ~~development authorized as a development of regional impact if~~
1963 ~~the change has the effect of reducing the originally approved~~
1964 ~~height, density, or intensity of the development and if the~~
1965 ~~revised development would have been consistent with the~~
1966 ~~comprehensive plan in effect when the development was originally~~
1967 ~~approved. If the revised development is approved, the developer~~
1968 ~~may proceed as provided in s. 163.3167(5).~~

1969 ~~(4) (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—~~

1970 ~~(a) Notwithstanding any provision of any adopted local~~
1971 ~~comprehensive plan or adopted local government land development~~
1972 ~~regulation to the contrary, an amendment to a development order~~
1973 ~~for an approved development of regional impact adopted pursuant~~
1974 ~~to subsection (7) may not amend to an earlier date the~~
1975 ~~appropriate local government shall render a decision on the~~



1976 application within 30 days after the hearing unless an extension
1977 is requested by the developer.

1978 ~~(b) When possible, local governments shall issue~~
1979 ~~development orders concurrently with any other local permits or~~
1980 ~~development approvals that may be applicable to the proposed~~
1981 ~~development.~~

1982 ~~(c) The development order shall include findings of fact~~
1983 ~~and conclusions of law consistent with subsections (13) and~~
1984 ~~(14). The development order:~~

1985 ~~1. Shall specify the monitoring procedures and the local~~
1986 ~~official responsible for assuring compliance by the developer~~
1987 ~~with the development order.~~

1988 ~~2. Shall establish compliance dates for the development~~
1989 ~~order, including a deadline for commencing physical development~~
1990 ~~and for compliance with conditions of approval or phasing~~
1991 ~~requirements, and shall include a buildout date that reasonably~~
1992 ~~reflects the time anticipated to complete the development.~~

1993 ~~3. Shall establish a date until which the local government~~
1994 ~~agrees that the approved development of regional impact will~~
1995 ~~shall not be subject to downzoning, unit density reduction, or~~
1996 ~~intensity reduction, unless the local government can demonstrate~~
1997 ~~that substantial changes in the conditions underlying the~~
1998 ~~approval of the development order have occurred or the~~
1999 ~~development order was based on substantially inaccurate~~
2000 ~~information provided by the developer or that the change is~~



2001 clearly established by local government to be essential to the
2002 public health, safety, or welfare. The date established pursuant
2003 to this paragraph may not be ~~subparagraph shall be no~~ sooner
2004 than the buildout date of the project.

2005 ~~4. Shall specify the requirements for the biennial report~~
2006 ~~designated under subsection (18), including the date of~~
2007 ~~submission, parties to whom the report is submitted, and~~
2008 ~~contents of the report, based upon the rules adopted by the~~
2009 ~~state land planning agency. Such rules shall specify the scope~~
2010 ~~of any additional local requirements that may be necessary for~~
2011 ~~the report.~~

2012 ~~5. May specify the types of changes to the development~~
2013 ~~which shall require submission for a substantial deviation~~
2014 ~~determination or a notice of proposed change under subsection~~
2015 ~~(19).~~

2016 ~~6. Shall include a legal description of the property.~~

2017 ~~(d) Conditions of a development order that require a~~
2018 ~~developer to contribute land for a public facility or construct,~~
2019 ~~expand, or pay for land acquisition or construction or expansion~~
2020 ~~of a public facility, or portion thereof, shall meet the~~
2021 ~~following criteria:~~

2022 ~~1. The need to construct new facilities or add to the~~
2023 ~~present system of public facilities must be reasonably~~
2024 ~~attributable to the proposed development.~~

2025 ~~2. Any contribution of funds, land, or public facilities~~



2026 ~~required from the developer shall be comparable to the amount of~~
2027 ~~funds, land, or public facilities that the state or the local~~
2028 ~~government would reasonably expect to expend or provide, based~~
2029 ~~on projected costs of comparable projects, to mitigate the~~
2030 ~~impacts reasonably attributable to the proposed development.~~

2031 ~~3. Any funds or lands contributed must be expressly~~
2032 ~~designated and used to mitigate impacts reasonably attributable~~
2033 ~~to the proposed development.~~

2034 ~~4. Construction or expansion of a public facility by a~~
2035 ~~nongovernmental developer as a condition of a development order~~
2036 ~~to mitigate the impacts reasonably attributable to the proposed~~
2037 ~~development is not subject to competitive bidding or competitive~~
2038 ~~negotiation for selection of a contractor or design professional~~
2039 ~~for any part of the construction or design.~~

2040 (b)(e)1. A local government may ~~shall~~ not include, as a
2041 development order condition for a development of regional
2042 impact, any requirement that a developer contribute or pay for
2043 land acquisition or construction or expansion of public
2044 facilities or portions thereof unless the local government has
2045 enacted a local ordinance which requires other development not
2046 subject to this section to contribute its proportionate share of
2047 the funds, land, or public facilities necessary to accommodate
2048 any impacts having a rational nexus to the proposed development,
2049 and the need to construct new facilities or add to the present
2050 system of public facilities must be reasonably attributable to



2051 the proposed development.

2052 2. Selection of a contractor or design professional for
2053 any aspect of construction or design related to the construction
2054 or expansion of a public facility by a nongovernmental developer
2055 which is undertaken as a condition of a development order to
2056 mitigate the impacts reasonably attributable to the proposed
2057 development is not subject to competitive bidding or competitive
2058 negotiation ~~A local government shall not approve a development~~
2059 ~~of regional impact that does not make adequate provision for the~~
2060 ~~public facilities needed to accommodate the impacts of the~~
2061 ~~proposed development unless the local government includes in the~~
2062 ~~development order a commitment by the local government to~~
2063 ~~provide these facilities consistently with the development~~
2064 ~~schedule approved in the development order; however, a local~~
2065 ~~government's failure to meet the requirements of subparagraph 1.~~
2066 ~~and this subparagraph shall not preclude the issuance of a~~
2067 ~~development order where adequate provision is made by the~~
2068 ~~developer for the public facilities needed to accommodate the~~
2069 ~~impacts of the proposed development. Any funds or lands~~
2070 ~~contributed by a developer must be expressly designated and used~~
2071 ~~to accommodate impacts reasonably attributable to the proposed~~
2072 ~~development.~~

2073 ~~3. The Department of Economic Opportunity and other state~~
2074 ~~and regional agencies involved in the administration and~~
2075 ~~implementation of this act shall cooperate and work with units~~



2076 ~~of local government in preparing and adopting local impact fee~~
2077 ~~and other contribution ordinances.~~

2078 (c)~~(f)~~ Notice of the adoption of an amendment a
2079 ~~development order or the subsequent amendments~~ to an adopted
2080 development order shall be recorded by the developer, in
2081 accordance with s. 28.222, with the clerk of the circuit court
2082 for each county in which the development is located. The notice
2083 shall include a legal description of the property covered by the
2084 order and shall state which unit of local government adopted the
2085 development order, the date of adoption, the date of adoption of
2086 any amendments to the development order, the location where the
2087 adopted order with any amendments may be examined, and that the
2088 development order constitutes a land development regulation
2089 applicable to the property. The recording of this notice does
2090 ~~shall~~ not constitute a lien, cloud, or encumbrance on real
2091 property, or actual or constructive notice of any such lien,
2092 cloud, or encumbrance. This paragraph applies only to
2093 developments initially approved under this section after July 1,
2094 1980. If the local government of jurisdiction rescinds a
2095 development order for an approved development of regional impact
2096 pursuant to s. 380.115, the developer may record notice of the
2097 rescission.

2098 (d)~~(g)~~ Any agreement entered into by the state land
2099 planning agency, the developer, and the A local government with
2100 respect to an approved development of regional impact previously



2101 classified as essentially built out, or any other official
2102 determination that an approved development of regional impact is
2103 essentially built out, remains valid unless it expired on or
2104 before the effective date of this act. ~~may not issue a permit~~
2105 ~~for a development subsequent to the buildout date contained in~~
2106 ~~the development order unless:~~

2107 1. ~~The proposed development has been evaluated~~
2108 ~~eumulatively with existing development under the substantial~~
2109 ~~deviation provisions of subsection (19) after the termination or~~
2110 ~~expiration date;~~

2111 2. ~~The proposed development is consistent with an~~
2112 ~~abandonment of development order that has been issued in~~
2113 ~~accordance with subsection (26);~~

2114 3. ~~The development of regional impact is essentially built~~
2115 ~~out, in that all the mitigation requirements in the development~~
2116 ~~order have been satisfied, all developers are in compliance with~~
2117 ~~all applicable terms and conditions of the development order~~
2118 ~~except the buildout date, and the amount of proposed development~~
2119 ~~that remains to be built is less than 40 percent of any~~
2120 ~~applicable development of regional impact threshold; or~~

2121 4. ~~The project has been determined to be an essentially~~
2122 ~~built-out development of regional impact through an agreement~~
2123 ~~executed by the developer, the state land planning agency, and~~
2124 ~~the local government, in accordance with s. 380.032, which will~~
2125 ~~establish the terms and conditions under which the development~~



2126 ~~may be continued. If the project is determined to be essentially~~
2127 ~~built out, development may proceed pursuant to the s. 380.032~~
2128 ~~agreement after the termination or expiration date contained in~~
2129 ~~the development order without further development-of-regional-~~
2130 ~~impact review subject to the local government comprehensive plan~~
2131 ~~and land development regulations. The parties may amend the~~
2132 ~~agreement without submission, review, or approval of a~~
2133 ~~notification of proposed change pursuant to subsection (19). For~~
2134 ~~the purposes of this paragraph, a development of regional impact~~
2135 ~~is considered essentially built out, if:~~

2136 ~~a. The developers are in compliance with all applicable~~
2137 ~~terms and conditions of the development order except the~~
2138 ~~buildout date or reporting requirements; and~~

2139 ~~b. (I) The amount of development that remains to be built~~
2140 ~~is less than the substantial deviation threshold specified in~~
2141 ~~paragraph (19) (b) for each individual land use category, or, for~~
2142 ~~a multiuse development, the sum total of all unbuilt land uses~~
2143 ~~as a percentage of the applicable substantial deviation~~
2144 ~~threshold is equal to or less than 100 percent; or~~

2145 ~~(II) The state land planning agency and the local~~
2146 ~~government have agreed in writing that the amount of development~~
2147 ~~to be built does not create the likelihood of any additional~~
2148 ~~regional impact not previously reviewed.~~

2149
2150 ~~The single-family residential portions of a development may be~~



2151 ~~considered essentially built out if all of the workforce housing~~
2152 ~~obligations and all of the infrastructure and horizontal~~
2153 ~~development have been completed, at least 50 percent of the~~
2154 ~~dwelling units have been completed, and more than 80 percent of~~
2155 ~~the lots have been conveyed to third party individual lot owners~~
2156 ~~or to individual builders who own no more than 40 lots at the~~
2157 ~~time of the determination. The mobile home park portions of a~~
2158 ~~development may be considered essentially built out if all the~~
2159 ~~infrastructure and horizontal development has been completed,~~
2160 ~~and at least 50 percent of the lots are leased to individual~~
2161 ~~mobile home owners. In order to accommodate changing market~~
2162 ~~demands and achieve maximum land use efficiency in an~~
2163 ~~essentially built out project, when a developer is building out~~
2164 ~~a project, a local government, without the concurrence of the~~
2165 ~~state land planning agency, may adopt a resolution authorizing~~
2166 ~~the developer to exchange one approved land use for another~~
2167 ~~approved land use as specified in the agreement. Before the~~
2168 ~~issuance of a building permit pursuant to an exchange, the~~
2169 ~~developer must demonstrate to the local government that the~~
2170 ~~exchange ratio will not result in a net increase in impacts to~~
2171 ~~public facilities and will meet all applicable requirements of~~
2172 ~~the comprehensive plan and land development code. For~~
2173 ~~developments previously determined to impact strategic~~
2174 ~~intermodal facilities as defined in s. 339.63, the local~~
2175 ~~government shall consult with the Department of Transportation~~



2176 ~~before approving the exchange.~~

2177 ~~(h) If the property is annexed by another local~~
2178 ~~jurisdiction, the annexing jurisdiction shall adopt a new~~
2179 ~~development order that incorporates all previous rights and~~
2180 ~~obligations specified in the prior development order.~~

2181 ~~(5) (16) CREDITS AGAINST LOCAL IMPACT FEES.—~~

2182 (a) Notwithstanding any provision of an adopted local
2183 comprehensive plan or adopted local government land development
2184 regulations to the contrary, the adoption of an amendment to a
2185 development order for an approved development of regional impact
2186 pursuant to subsection (7) does not diminish or otherwise alter
2187 any credits for a development order exaction or fee as against
2188 impact fees, mobility fees, or exactions when such credits are
2189 based upon the developer's contribution of land or a public
2190 facility or the construction, expansion, or payment for land
2191 acquisition or construction or expansion of a public facility,
2192 or a portion thereof ~~If the development order requires the~~
2193 ~~developer to contribute land or a public facility or construct,~~
2194 ~~expand, or pay for land acquisition or construction or expansion~~
2195 ~~of a public facility, or portion thereof, and the developer is~~
2196 ~~also subject by local ordinance to impact fees or exactions to~~
2197 ~~meet the same needs, the local government shall establish and~~
2198 ~~implement a procedure that credits a development order exaction~~
2199 ~~or fee toward an impact fee or exaction imposed by local~~
2200 ~~ordinance for the same need; however, if the Florida Land and~~



2201 ~~Water Adjudicatory Commission imposes any additional~~
2202 ~~requirement, the local government shall not be required to grant~~
2203 ~~a credit toward the local exaction or impact fee unless the~~
2204 ~~local government determines that such required contribution,~~
2205 ~~payment, or construction meets the same need that the local~~
2206 ~~exaction or impact fee would address. The nongovernmental~~
2207 ~~developer need not be required, by virtue of this credit, to~~
2208 ~~competitively bid or negotiate any part of the construction or~~
2209 ~~design of the facility, unless otherwise requested by the local~~
2210 ~~government.~~

2211 (b) If the local government imposes or increases an impact
2212 fee, mobility fee, or exaction by local ordinance after a
2213 development order has been issued, the developer may petition
2214 the local government, and the local government shall modify the
2215 affected provisions of the development order to give the
2216 developer credit for any contribution of land for a public
2217 facility, or construction, expansion, or contribution of funds
2218 for land acquisition or construction or expansion of a public
2219 facility, or a portion thereof, required by the development
2220 order toward an impact fee or exaction for the same need.

2221 (c) Any ~~The local government and the developer may enter~~
2222 ~~into~~ capital contribution front-ending agreement entered into by
2223 a local government and a developer which is still in effect as
2224 of the effective date of this act ~~agreements~~ as part of a
2225 development-of-regional-impact development order to reimburse



2226 the developer, or the developer's successor, for voluntary
2227 contributions paid in excess of his or her fair share remains
2228 valid.

2229 (d) This subsection does not apply to internal, onsite
2230 facilities required by local regulations or to any offsite
2231 facilities to the extent that such facilities are necessary to
2232 provide safe and adequate services to the development.

2233 ~~(17) LOCAL MONITORING. The local government issuing the~~
2234 ~~development order is primarily responsible for monitoring the~~
2235 ~~development and enforcing the provisions of the development~~
2236 ~~order. Local governments shall not issue any permits or~~
2237 ~~approvals or provide any extensions of services if the developer~~
2238 ~~fails to act in substantial compliance with the development~~
2239 ~~order.~~

2240 (6) (18) BIENNIAL REPORTS. Notwithstanding any condition in
2241 a development order for an approved development of regional
2242 impact, the developer is not required to shall submit an annual
2243 or a biennial report on the development of regional impact to
2244 the local government, the regional planning agency, the state
2245 land planning agency, and all affected permit agencies in
2246 alternate years on the date specified in the development order,
2247 unless required to do so by the local government that has
2248 jurisdiction over the development. The penalty for failure to
2249 file such a required report is as prescribed by the local
2250 government development order by its terms requires more frequent



2251 ~~monitoring. If the report is not received, the state land~~
2252 ~~planning agency shall notify the local government. If the local~~
2253 ~~government does not receive the report or receives notification~~
2254 ~~that the state land planning agency has not received the report,~~
2255 ~~the local government shall request in writing that the developer~~
2256 ~~submit the report within 30 days. The failure to submit the~~
2257 ~~report after 30 days shall result in the temporary suspension of~~
2258 ~~the development order by the local government. If no additional~~
2259 ~~development pursuant to the development order has occurred since~~
2260 ~~the submission of the previous report, then a letter from the~~
2261 ~~developer stating that no development has occurred shall satisfy~~
2262 ~~the requirement for a report. Development orders that require~~
2263 ~~annual reports may be amended to require biennial reports at the~~
2264 ~~option of the local government.~~

2265 ~~(7)(19) CHANGES SUBSTANTIAL DEVIATIONS.~~

2266 (a) Notwithstanding any provision to the contrary in any
2267 development order, agreement, local comprehensive plan, or local
2268 land development regulation, any proposed change to a previously
2269 approved development of regional impact shall be reviewed by the
2270 local government based on the standards and procedures in its
2271 adopted local comprehensive plan and adopted local land
2272 development regulations, including, but not limited to,
2273 procedures for notice to the applicant and the public regarding
2274 the issuance of development orders. However, a change to a
2275 development of regional impact that has the effect of reducing



2276 | the originally approved height, density, or intensity of the
2277 | development must be reviewed by the local government based on
2278 | the standards in the local comprehensive plan at the time the
2279 | development was originally approved, and if the development
2280 | would have been consistent with the comprehensive plan in effect
2281 | when the development was originally approved, the local
2282 | government may approve the change. If the revised development is
2283 | approved, the developer may proceed as provided in s.
2284 | 163.3167(5). For any proposed change to a previously approved
2285 | development of regional impact, at least one public hearing must
2286 | be held on the application for change, and any change must be
2287 | approved by the local governing body before it becomes
2288 | effective. The review must abide by any prior agreements or
2289 | other actions vesting the laws and policies governing the
2290 | development. Development within the previously approved
2291 | development of regional impact may continue, as approved, during
2292 | the review in portions of the development which are not directly
2293 | affected by the proposed change ~~which creates a reasonable~~
2294 | ~~likelihood of additional regional impact, or any type of~~
2295 | ~~regional impact created by the change not previously reviewed by~~
2296 | ~~the regional planning agency, shall constitute a substantial~~
2297 | ~~deviation and shall cause the proposed change to be subject to~~
2298 | ~~further development of regional impact review. There are a~~
2299 | ~~variety of reasons why a developer may wish to propose changes~~
2300 | ~~to an approved development of regional impact, including changed~~



2301 ~~market conditions. The procedures set forth in this subsection~~
2302 ~~are for that purpose.~~

2303 (b) The local government shall either adopt an amendment
2304 to the development order that approves the application, with or
2305 without conditions, or deny the application for the proposed
2306 change. Any new conditions in the amendment to the development
2307 order issued by the local government may address only those
2308 impacts directly created by the proposed change, and must be
2309 consistent with s. 163.3180(5), the adopted comprehensive plan,
2310 and adopted land development regulations. Changes to a phase
2311 date, buildout date, expiration date, or termination date may
2312 also extend any required mitigation associated with a phased
2313 construction project so that mitigation takes place in the same
2314 timeframe relative to the impacts as approved ~~Any proposed~~
2315 ~~change to a previously approved development of regional impact~~
2316 ~~or development order condition which, either individually or~~
2317 ~~cumulatively with other changes, exceeds any of the criteria in~~
2318 ~~subparagraphs 1. 11. constitutes a substantial deviation and~~
2319 ~~shall cause the development to be subject to further~~
2320 ~~development of regional impact review through the notice of~~
2321 ~~proposed change process under this section.~~

2322 ~~1. An increase in the number of parking spaces at an~~
2323 ~~attraction or recreational facility by 15 percent or 500 spaces,~~
2324 ~~whichever is greater, or an increase in the number of spectators~~
2325 ~~that may be accommodated at such a facility by 15 percent or~~



2326 ~~1,500 spectators, whichever is greater.~~

2327 ~~2. A new runway, a new terminal facility, a 25 percent~~
2328 ~~lengthening of an existing runway, or a 25 percent increase in~~
2329 ~~the number of gates of an existing terminal, but only if the~~
2330 ~~increase adds at least three additional gates.~~

2331 ~~3. An increase in land area for office development by 15~~
2332 ~~percent or an increase of gross floor area of office development~~
2333 ~~by 15 percent or 100,000 gross square feet, whichever is~~
2334 ~~greater.~~

2335 ~~4. An increase in the number of dwelling units by 10~~
2336 ~~percent or 55 dwelling units, whichever is greater.~~

2337 ~~5. An increase in the number of dwelling units by 50~~
2338 ~~percent or 200 units, whichever is greater, provided that 15~~
2339 ~~percent of the proposed additional dwelling units are dedicated~~
2340 ~~to affordable workforce housing, subject to a recorded land use~~
2341 ~~restriction that shall be for a period of not less than 20 years~~
2342 ~~and that includes resale provisions to ensure long-term~~
2343 ~~affordability for income-eligible homeowners and renters and~~
2344 ~~provisions for the workforce housing to be commenced before the~~
2345 ~~completion of 50 percent of the market rate dwelling. For~~
2346 ~~purposes of this subparagraph, the term "affordable workforce~~
2347 ~~housing" means housing that is affordable to a person who earns~~
2348 ~~less than 120 percent of the area median income, or less than~~
2349 ~~140 percent of the area median income if located in a county in~~
2350 ~~which the median purchase price for a single-family existing~~



2351 ~~home exceeds the statewide median purchase price of a single-~~
2352 ~~family existing home. For purposes of this subparagraph, the~~
2353 ~~term "statewide median purchase price of a single-family~~
2354 ~~existing home" means the statewide purchase price as determined~~
2355 ~~in the Florida Sales Report, Single Family Existing Homes,~~
2356 ~~released each January by the Florida Association of Realtors and~~
2357 ~~the University of Florida Real Estate Research Center.~~

2358 ~~6. An increase in commercial development by 60,000 square~~
2359 ~~feet of gross floor area or of parking spaces provided for~~
2360 ~~customers for 425 cars or a 10 percent increase, whichever is~~
2361 ~~greater.~~

2362 ~~7. An increase in a recreational vehicle park area by 10~~
2363 ~~percent or 110 vehicle spaces, whichever is less.~~

2364 ~~8. A decrease in the area set aside for open space of 5~~
2365 ~~percent or 20 acres, whichever is less.~~

2366 ~~9. A proposed increase to an approved multiuse development~~
2367 ~~of regional impact where the sum of the increases of each land~~
2368 ~~use as a percentage of the applicable substantial deviation~~
2369 ~~criteria is equal to or exceeds 110 percent. The percentage of~~
2370 ~~any decrease in the amount of open space shall be treated as an~~
2371 ~~increase for purposes of determining when 110 percent has been~~
2372 ~~reached or exceeded.~~

2373 ~~10. A 15 percent increase in the number of external~~
2374 ~~vehicle trips generated by the development above that which was~~
2375 ~~projected during the original development of regional impact~~



2376 ~~review.~~

2377 ~~11. Any change that would result in development of any~~
2378 ~~area which was specifically set aside in the application for~~
2379 ~~development approval or in the development order for~~
2380 ~~preservation or special protection of endangered or threatened~~
2381 ~~plants or animals designated as endangered, threatened, or~~
2382 ~~species of special concern and their habitat, any species~~
2383 ~~protected by 16 U.S.C. ss. 668a-668d, primary dunes, or~~
2384 ~~archaeological and historical sites designated as significant by~~
2385 ~~the Division of Historical Resources of the Department of State.~~
2386 ~~The refinement of the boundaries and configuration of such areas~~
2387 ~~shall be considered under sub-subparagraph (c)2.j.~~

2388
2389 ~~The substantial deviation numerical standards in subparagraphs~~
2390 ~~3., 6., and 9., excluding residential uses, and in subparagraph~~
2391 ~~10., are increased by 100 percent for a project certified under~~
2392 ~~s. 403.973 which creates jobs and meets criteria established by~~
2393 ~~the Department of Economic Opportunity as to its impact on an~~
2394 ~~area's economy, employment, and prevailing wage and skill~~
2395 ~~levels. The substantial deviation numerical standards in~~
2396 ~~subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50~~
2397 ~~percent for a project located wholly within an urban infill and~~
2398 ~~redevelopment area designated on the applicable adopted local~~
2399 ~~comprehensive plan future land use map and not located within~~
2400 ~~the coastal high hazard area.~~



2401 (c) This section is not intended to alter or otherwise
2402 limit the extension, previously granted by statute, of a
2403 commencement, buildout, phase, termination, or expiration date
2404 in any development order for an approved development of regional
2405 impact and any corresponding modification of a related permit or
2406 agreement. Any such extension is not subject to review or
2407 modification in any future amendment to a development order
2408 pursuant to the adopted local comprehensive plan and adopted
2409 local land development regulations ~~An extension of the date of~~
2410 ~~buildout of a development, or any phase thereof, by more than 7~~
2411 ~~years is presumed to create a substantial deviation subject to~~
2412 ~~further development of regional impact review.~~

2413 1. ~~An extension of the date of buildout, or any phase~~
2414 ~~thereof, of more than 5 years but not more than 7 years is~~
2415 ~~presumed not to create a substantial deviation. The extension of~~
2416 ~~the date of buildout of an areawide development of regional~~
2417 ~~impact by more than 5 years but less than 10 years is presumed~~
2418 ~~not to create a substantial deviation. These presumptions may be~~
2419 ~~rebutted by clear and convincing evidence at the public hearing~~
2420 ~~held by the local government. An extension of 5 years or less is~~
2421 ~~not a substantial deviation.~~

2422 2. ~~In recognition of the 2011 real estate market~~
2423 ~~conditions, at the option of the developer, all commencement,~~
2424 ~~phase, buildout, and expiration dates for projects that are~~
2425 ~~currently valid developments of regional impact are extended for~~



2426 ~~4 years regardless of any previous extension. Associated~~
2427 ~~mitigation requirements are extended for the same period unless,~~
2428 ~~before December 1, 2011, a governmental entity notifies a~~
2429 ~~developer that has commenced any construction within the phase~~
2430 ~~for which the mitigation is required that the local government~~
2431 ~~has entered into a contract for construction of a facility with~~
2432 ~~funds to be provided from the development's mitigation funds for~~
2433 ~~that phase as specified in the development order or written~~
2434 ~~agreement with the developer. The 4-year extension is not a~~
2435 ~~substantial deviation, is not subject to further development of~~
2436 ~~regional impact review, and may not be considered when~~
2437 ~~determining whether a subsequent extension is a substantial~~
2438 ~~deviation under this subsection. The developer must notify the~~
2439 ~~local government in writing by December 31, 2011, in order to~~
2440 ~~receive the 4-year extension.~~

2441
2442 ~~For the purpose of calculating when a buildout or phase date has~~
2443 ~~been exceeded, the time shall be tolled during the pendency of~~
2444 ~~administrative or judicial proceedings relating to development~~
2445 ~~permits. Any extension of the buildout date of a project or a~~
2446 ~~phase thereof shall automatically extend the commencement date~~
2447 ~~of the project, the termination date of the development order,~~
2448 ~~the expiration date of the development of regional impact, and~~
2449 ~~the phases thereof if applicable by a like period of time.~~

2450 ~~(d) A change in the plan of development of an approved~~



2451 ~~development of regional impact resulting from requirements~~
2452 ~~imposed by the Department of Environmental Protection or any~~
2453 ~~water management district created by s. 373.069 or any of their~~
2454 ~~successor agencies or by any appropriate federal regulatory~~
2455 ~~agency shall be submitted to the local government pursuant to~~
2456 ~~this subsection. The change shall be presumed not to create a~~
2457 ~~substantial deviation subject to further development of~~
2458 ~~regional impact review. The presumption may be rebutted by clear~~
2459 ~~and convincing evidence at the public hearing held by the local~~
2460 ~~government.~~

2461 ~~(e)1. Except for a development order rendered pursuant to~~
2462 ~~subsection (22) or subsection (25), a proposed change to a~~
2463 ~~development order which individually or cumulatively with any~~
2464 ~~previous change is less than any numerical criterion contained~~
2465 ~~in subparagraphs (b)1.-10. and does not exceed any other~~
2466 ~~criterion, or which involves an extension of the buildout date~~
2467 ~~of a development, or any phase thereof, of less than 5 years is~~
2468 ~~not subject to the public hearing requirements of subparagraph~~
2469 ~~(f)3., and is not subject to a determination pursuant to~~
2470 ~~subparagraph (f)5. Notice of the proposed change shall be made~~
2471 ~~to the regional planning council and the state land planning~~
2472 ~~agency. Such notice must include a description of previous~~
2473 ~~individual changes made to the development, including changes~~
2474 ~~previously approved by the local government, and must include~~
2475 ~~appropriate amendments to the development order.~~



2476 ~~2. The following changes, individually or cumulatively~~
2477 ~~with any previous changes, are not substantial deviations:~~
2478 ~~a. Changes in the name of the project, developer, owner,~~
2479 ~~or monitoring official.~~
2480 ~~b. Changes to a setback which do not affect noise buffers,~~
2481 ~~environmental protection or mitigation areas, or archaeological~~
2482 ~~or historical resources.~~
2483 ~~e. Changes to minimum lot sizes.~~
2484 ~~d. Changes in the configuration of internal roads which do~~
2485 ~~not affect external access points.~~
2486 ~~e. Changes to the building design or orientation which~~
2487 ~~stay approximately within the approved area designated for such~~
2488 ~~building and parking lot, and which do not affect historical~~
2489 ~~buildings designated as significant by the Division of~~
2490 ~~Historical Resources of the Department of State.~~
2491 ~~f. Changes to increase the acreage in the development, if~~
2492 ~~no development is proposed on the acreage to be added.~~
2493 ~~g. Changes to eliminate an approved land use, if there are~~
2494 ~~no additional regional impacts.~~
2495 ~~h. Changes required to conform to permits approved by any~~
2496 ~~federal, state, or regional permitting agency, if these changes~~
2497 ~~do not create additional regional impacts.~~
2498 ~~i. Any renovation or redevelopment of development within a~~
2499 ~~previously approved development of regional impact which does~~
2500 ~~not change land use or increase density or intensity of use.~~



2501 ~~j. Changes that modify boundaries and configuration of~~
2502 ~~areas described in subparagraph (b)11. due to science based~~
2503 ~~refinement of such areas by survey, by habitat evaluation, by~~
2504 ~~other recognized assessment methodology, or by an environmental~~
2505 ~~assessment. In order for changes to qualify under this sub-~~
2506 ~~subparagraph, the survey, habitat evaluation, or assessment must~~
2507 ~~occur before the time that a conservation easement protecting~~
2508 ~~such lands is recorded and must not result in any net decrease~~
2509 ~~in the total acreage of the lands specifically set aside for~~
2510 ~~permanent preservation in the final development order.~~

2511 ~~k. Changes that do not increase the number of external~~
2512 ~~peak hour trips and do not reduce open space and conserved areas~~
2513 ~~within the project except as otherwise permitted by sub-~~
2514 ~~subparagraph j.~~

2515 ~~l. A phase date extension, if the state land planning~~
2516 ~~agency, in consultation with the regional planning council and~~
2517 ~~subject to the written concurrence of the Department of~~
2518 ~~Transportation, agrees that the traffic impact is not~~
2519 ~~significant and adverse under applicable state agency rules.~~

2520 ~~m. Any other change that the state land planning agency,~~
2521 ~~in consultation with the regional planning council, agrees in~~
2522 ~~writing is similar in nature, impact, or character to the~~
2523 ~~changes enumerated in sub-subparagraphs a.1. and that does not~~
2524 ~~create the likelihood of any additional regional impact.~~

2525



2526 ~~This subsection does not require the filing of a notice of~~
2527 ~~proposed change but requires an application to the local~~
2528 ~~government to amend the development order in accordance with the~~
2529 ~~local government's procedures for amendment of a development~~
2530 ~~order. In accordance with the local government's procedures,~~
2531 ~~including requirements for notice to the applicant and the~~
2532 ~~public, the local government shall either deny the application~~
2533 ~~for amendment or adopt an amendment to the development order~~
2534 ~~which approves the application with or without conditions.~~
2535 ~~Following adoption, the local government shall render to the~~
2536 ~~state land planning agency the amendment to the development~~
2537 ~~order. The state land planning agency may appeal, pursuant to s.~~
2538 ~~380.07(3), the amendment to the development order if the~~
2539 ~~amendment involves sub-subparagraph g., sub-subparagraph h.,~~
2540 ~~sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m.~~
2541 ~~and if the agency believes that the change creates a reasonable~~
2542 ~~likelihood of new or additional regional impacts.~~

2543 ~~3. Except for the change authorized by sub-subparagraph~~
2544 ~~2.f., any addition of land not previously reviewed or any change~~
2545 ~~not specified in paragraph (b) or paragraph (c) shall be~~
2546 ~~presumed to create a substantial deviation. This presumption may~~
2547 ~~be rebutted by clear and convincing evidence.~~

2548 ~~4. Any submittal of a proposed change to a previously~~
2549 ~~approved development must include a description of individual~~
2550 ~~changes previously made to the development, including changes~~



2551 ~~previously approved by the local government. The local~~
2552 ~~government shall consider the previous and current proposed~~
2553 ~~changes in deciding whether such changes cumulatively constitute~~
2554 ~~a substantial deviation requiring further development of~~
2555 ~~regional impact review.~~

2556 ~~5. The following changes to an approved development of~~
2557 ~~regional impact shall be presumed to create a substantial~~
2558 ~~deviation. Such presumption may be rebutted by clear and~~
2559 ~~convincing evidence:~~

2560 ~~a. A change proposed for 15 percent or more of the acreage~~
2561 ~~to a land use not previously approved in the development order.~~
2562 ~~Changes of less than 15 percent shall be presumed not to create~~
2563 ~~a substantial deviation.~~

2564 ~~b. Notwithstanding any provision of paragraph (b) to the~~
2565 ~~contrary, a proposed change consisting of simultaneous increases~~
2566 ~~and decreases of at least two of the uses within an authorized~~
2567 ~~multiuse development of regional impact which was originally~~
2568 ~~approved with three or more uses specified in s. 380.0651(3) (c)~~
2569 ~~and (d) and residential use.~~

2570 ~~6. If a local government agrees to a proposed change, a~~
2571 ~~change in the transportation proportionate share calculation and~~
2572 ~~mitigation plan in an adopted development order as a result of~~
2573 ~~recalculation of the proportionate share contribution meeting~~
2574 ~~the requirements of s. 163.3180(5) (h) in effect as of the date~~
2575 ~~of such change shall be presumed not to create a substantial~~



2576 ~~deviation. For purposes of this subsection, the proposed change~~
2577 ~~in the proportionate share calculation or mitigation plan may~~
2578 ~~not be considered an additional regional transportation impact.~~

2579 ~~(f)1. The state land planning agency shall establish by~~
2580 ~~rule standard forms for submittal of proposed changes to a~~
2581 ~~previously approved development of regional impact which may~~
2582 ~~require further development of regional impact review. At a~~
2583 ~~minimum, the standard form shall require the developer to~~
2584 ~~provide the precise language that the developer proposes to~~
2585 ~~delete or add as an amendment to the development order.~~

2586 ~~2. The developer shall submit, simultaneously, to the~~
2587 ~~local government, the regional planning agency, and the state~~
2588 ~~land planning agency the request for approval of a proposed~~
2589 ~~change.~~

2590 ~~3. No sooner than 30 days but no later than 45 days after~~
2591 ~~submittal by the developer to the local government, the state~~
2592 ~~land planning agency, and the appropriate regional planning~~
2593 ~~agency, the local government shall give 15 days' notice and~~
2594 ~~schedule a public hearing to consider the change that the~~
2595 ~~developer asserts does not create a substantial deviation. This~~
2596 ~~public hearing shall be held within 60 days after submittal of~~
2597 ~~the proposed changes, unless that time is extended by the~~
2598 ~~developer.~~

2599 ~~4. The appropriate regional planning agency or the state~~
2600 ~~land planning agency shall review the proposed change and, no~~



2601 ~~later than 45 days after submittal by the developer of the~~
2602 ~~proposed change, unless that time is extended by the developer,~~
2603 ~~and prior to the public hearing at which the proposed change is~~
2604 ~~to be considered, shall advise the local government in writing~~
2605 ~~whether it objects to the proposed change, shall specify the~~
2606 ~~reasons for its objection, if any, and shall provide a copy to~~
2607 ~~the developer.~~

2608 ~~5. At the public hearing, the local government shall~~
2609 ~~determine whether the proposed change requires further~~
2610 ~~development of regional impact review. The provisions of~~
2611 ~~paragraphs (a) and (c), the thresholds set forth in paragraph~~
2612 ~~(b), and the presumptions set forth in paragraphs (c) and (d)~~
2613 ~~and subparagraph (c)3. shall be applicable in determining~~
2614 ~~whether further development of regional impact review is~~
2615 ~~required. The local government may also deny the proposed change~~
2616 ~~based on matters relating to local issues, such as if the land~~
2617 ~~on which the change is sought is plat restricted in a way that~~
2618 ~~would be incompatible with the proposed change, and the local~~
2619 ~~government does not wish to change the plat restriction as part~~
2620 ~~of the proposed change.~~

2621 ~~6. If the local government determines that the proposed~~
2622 ~~change does not require further development of regional impact~~
2623 ~~review and is otherwise approved, or if the proposed change is~~
2624 ~~not subject to a hearing and determination pursuant to~~
2625 ~~subparagraphs 3. and 5. and is otherwise approved, the local~~



2626 ~~government shall issue an amendment to the development order~~
2627 ~~incorporating the approved change and conditions of approval~~
2628 ~~relating to the change. The requirement that a change be~~
2629 ~~otherwise approved shall not be construed to require additional~~
2630 ~~local review or approval if the change is allowed by applicable~~
2631 ~~local ordinances without further local review or approval. The~~
2632 ~~decision of the local government to approve, with or without~~
2633 ~~conditions, or to deny the proposed change that the developer~~
2634 ~~asserts does not require further review shall be subject to the~~
2635 ~~appeal provisions of s. 380.07. However, the state land planning~~
2636 ~~agency may not appeal the local government decision if it did~~
2637 ~~not comply with subparagraph 4. The state land planning agency~~
2638 ~~may not appeal a change to a development order made pursuant to~~
2639 ~~subparagraph (c)1. or subparagraph (c)2. for developments of~~
2640 ~~regional impact approved after January 1, 1980, unless the~~
2641 ~~change would result in a significant impact to a regionally~~
2642 ~~significant archaeological, historical, or natural resource not~~
2643 ~~previously identified in the original development of regional-~~
2644 ~~impact review.~~

2645 ~~(g) If a proposed change requires further development of~~
2646 ~~regional impact review pursuant to this section, the review~~
2647 ~~shall be conducted subject to the following additional~~
2648 ~~conditions:~~

2649 ~~1. The development of regional impact review conducted by~~
2650 ~~the appropriate regional planning agency shall address only~~



2651 ~~those issues raised by the proposed change except as provided in~~
2652 ~~subparagraph 2.~~

2653 ~~2. The regional planning agency shall consider, and the~~
2654 ~~local government shall determine whether to approve, approve~~
2655 ~~with conditions, or deny the proposed change as it relates to~~
2656 ~~the entire development. If the local government determines that~~
2657 ~~the proposed change, as it relates to the entire development, is~~
2658 ~~unacceptable, the local government shall deny the change.~~

2659 ~~3. If the local government determines that the proposed~~
2660 ~~change should be approved, any new conditions in the amendment~~
2661 ~~to the development order issued by the local government shall~~
2662 ~~address only those issues raised by the proposed change and~~
2663 ~~require mitigation only for the individual and cumulative~~
2664 ~~impacts of the proposed change.~~

2665 ~~4. Development within the previously approved development~~
2666 ~~of regional impact may continue, as approved, during the~~
2667 ~~development of regional impact review in those portions of the~~
2668 ~~development which are not directly affected by the proposed~~
2669 ~~change.~~

2670 ~~(h) When further development of regional impact review is~~
2671 ~~required because a substantial deviation has been determined or~~
2672 ~~admitted by the developer, the amendment to the development~~
2673 ~~order issued by the local government shall be consistent with~~
2674 ~~the requirements of subsection (15) and shall be subject to the~~
2675 ~~hearing and appeal provisions of s. 380.07. The state land~~



2676 ~~planning agency or the appropriate regional planning agency need~~
2677 ~~not participate at the local hearing in order to appeal a local~~
2678 ~~government development order issued pursuant to this paragraph.~~
2679 ~~(i) An increase in the number of residential dwelling~~
2680 ~~units shall not constitute a substantial deviation and shall not~~
2681 ~~be subject to development of regional impact review for~~
2682 ~~additional impacts, provided that all the residential dwelling~~
2683 ~~units are dedicated to affordable workforce housing and the~~
2684 ~~total number of new residential units does not exceed 200~~
2685 ~~percent of the substantial deviation threshold. The affordable~~
2686 ~~workforce housing shall be subject to a recorded land use~~
2687 ~~restriction that shall be for a period of not less than 20 years~~
2688 ~~and that includes resale provisions to ensure long term~~
2689 ~~affordability for income-eligible homeowners and renters. For~~
2690 ~~purposes of this paragraph, the term "affordable workforce~~
2691 ~~housing" means housing that is affordable to a person who earns~~
2692 ~~less than 120 percent of the area median income, or less than~~
2693 ~~140 percent of the area median income if located in a county in~~
2694 ~~which the median purchase price for a single-family existing~~
2695 ~~home exceeds the statewide median purchase price of a single-~~
2696 ~~family existing home. For purposes of this paragraph, the term~~
2697 ~~"statewide median purchase price of a single-family existing~~
2698 ~~home" means the statewide purchase price as determined in the~~
2699 ~~Florida Sales Report, Single-Family Existing Homes, released~~
2700 ~~each January by the Florida Association of Realtors and the~~



2701 ~~University of Florida Real Estate Research Center.~~

2702 (8) ~~(20)~~ VESTED RIGHTS.—Nothing in this section shall limit
2703 or modify the rights of any person to complete any development
2704 that was authorized by registration of a subdivision pursuant to
2705 former chapter 498, by recordation pursuant to local subdivision
2706 plat law, or by a building permit or other authorization to
2707 commence development on which there has been reliance and a
2708 change of position and which registration or recordation was
2709 accomplished, or which permit or authorization was issued, prior
2710 to July 1, 1973. If a developer has, by his or her actions in
2711 reliance on prior regulations, obtained vested or other legal
2712 rights that in law would have prevented a local government from
2713 changing those regulations in a way adverse to the developer's
2714 interests, nothing in this chapter authorizes any governmental
2715 agency to abridge those rights.

2716 (a) For the purpose of determining the vesting of rights
2717 under this subsection, approval pursuant to local subdivision
2718 plat law, ordinances, or regulations of a subdivision plat by
2719 formal vote of a county or municipal governmental body having
2720 jurisdiction after August 1, 1967, and prior to July 1, 1973, is
2721 sufficient to vest all property rights for the purposes of this
2722 subsection; and no action in reliance on, or change of position
2723 concerning, such local governmental approval is required for
2724 vesting to take place. Anyone claiming vested rights under this
2725 paragraph must notify the department in writing by January 1,



2726 1986. Such notification shall include information adequate to
2727 document the rights established by this subsection. When such
2728 notification requirements are met, in order for the vested
2729 rights authorized pursuant to this paragraph to remain valid
2730 after June 30, 1990, development of the vested plan must be
2731 commenced prior to that date upon the property that the state
2732 land planning agency has determined to have acquired vested
2733 rights following the notification or in a binding letter of
2734 interpretation. When the notification requirements have not been
2735 met, the vested rights authorized by this paragraph shall expire
2736 June 30, 1986, unless development commenced prior to that date.

2737 (b) For the purpose of this act, the conveyance of, or the
2738 agreement to convey, property to the county, state, or local
2739 government as a prerequisite to zoning change approval shall be
2740 construed as an act of reliance to vest rights as determined
2741 under this subsection, provided such zoning change is actually
2742 granted by such government.

2743 (9) ~~(21)~~ VALIDITY OF COMPREHENSIVE APPLICATION; MASTER PLAN
2744 DEVELOPMENT ORDER.—

2745 ~~(a)~~ Any agreement previously entered into by a developer,
2746 a regional planning agency, and a local government regarding ~~if~~
2747 a development project that includes two or more developments of
2748 regional impact and was the subject of, ~~a developer may file a~~
2749 comprehensive development-of-regional-impact application remains
2750 valid unless it expired on or before the effective date of this



2751 act.

2752 ~~(b) If a proposed development is planned for development~~
2753 ~~over an extended period of time, the developer may file an~~
2754 ~~application for master development approval of the project and~~
2755 ~~agree to present subsequent increments of the development for~~
2756 ~~preconstruction review. This agreement shall be entered into by~~
2757 ~~the developer, the regional planning agency, and the appropriate~~
2758 ~~local government having jurisdiction. The provisions of~~
2759 ~~subsection (9) do not apply to this subsection, except that a~~
2760 ~~developer may elect to utilize the review process established in~~
2761 ~~subsection (9) for review of the increments of a master plan.~~

2762 ~~1. Prior to adoption of the master plan development order,~~
2763 ~~the developer, the landowner, the appropriate regional planning~~
2764 ~~agency, and the local government having jurisdiction shall~~
2765 ~~review the draft of the development order to ensure that~~
2766 ~~anticipated regional impacts have been adequately addressed and~~
2767 ~~that information requirements for subsequent incremental~~
2768 ~~application review are clearly defined. The development order~~
2769 ~~for a master application shall specify the information which~~
2770 ~~must be submitted with an incremental application and shall~~
2771 ~~identify those issues which can result in the denial of an~~
2772 ~~incremental application.~~

2773 ~~2. The review of subsequent incremental applications shall~~
2774 ~~be limited to that information specifically required and those~~
2775 ~~issues specifically raised by the master development order,~~



2776 ~~unless substantial changes in the conditions underlying the~~
2777 ~~approval of the master plan development order are demonstrated~~
2778 ~~or the master development order is shown to have been based on~~
2779 ~~substantially inaccurate information.~~

2780 ~~(c) The state land planning agency, by rule, shall~~
2781 ~~establish uniform procedures to implement this subsection.~~

2782 ~~(22) DOWNTOWN DEVELOPMENT AUTHORITIES.—~~

2783 ~~(a) A downtown development authority may submit a~~
2784 ~~development-of-regional-impact application for development~~
2785 ~~approval pursuant to this section. The area described in the~~
2786 ~~application may consist of any or all of the land over which a~~
2787 ~~downtown development authority has the power described in s.~~
2788 ~~380.031(5). For the purposes of this subsection, a downtown~~
2789 ~~development authority shall be considered the developer whether~~
2790 ~~or not the development will be undertaken by the downtown~~
2791 ~~development authority.~~

2792 ~~(b) In addition to information required by the~~
2793 ~~development-of-regional-impact application, the application for~~
2794 ~~development approval submitted by a downtown development~~
2795 ~~authority shall specify the total amount of development planned~~
2796 ~~for each land use category. In addition to the requirements of~~
2797 ~~subsection (15), the development order shall specify the amount~~
2798 ~~of development approved within each land use category.~~
2799 ~~Development undertaken in conformance with a development order~~
2800 ~~issued under this section does not require further review.~~



2801 ~~(c) If a development is proposed within the area of a~~
2802 ~~downtown development plan approved pursuant to this section~~
2803 ~~which would result in development in excess of the amount~~
2804 ~~specified in the development order for that type of activity,~~
2805 ~~changes shall be subject to the provisions of subsection (19),~~
2806 ~~except that the percentages and numerical criteria shall be~~
2807 ~~double those listed in paragraph (19) (b).~~

2808 ~~(d) The provisions of subsection (9) do not apply to this~~
2809 ~~subsection.~~

2810 ~~(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.~~

2811 ~~(a) The state land planning agency shall adopt rules to~~
2812 ~~ensure uniform review of developments of regional impact by the~~
2813 ~~state land planning agency and regional planning agencies under~~
2814 ~~this section. These rules shall be adopted pursuant to chapter~~
2815 ~~120 and shall include all forms, application content, and review~~
2816 ~~guidelines necessary to implement development of regional impact~~
2817 ~~reviews. The state land planning agency, in consultation with~~
2818 ~~the regional planning agencies, may also designate types of~~
2819 ~~development or areas suitable for development in which reduced~~
2820 ~~information requirements for development of regional impact~~
2821 ~~review shall apply.~~

2822 ~~(b) Regional planning agencies shall be subject to rules~~
2823 ~~adopted by the state land planning agency. At the request of a~~
2824 ~~regional planning council, the state land planning agency may~~
2825 ~~adopt by rule different standards for a specific comprehensive~~



2826 ~~planning district upon a finding that the statewide standard is~~
2827 ~~inadequate to protect or promote the regional interest at issue.~~
2828 ~~If such a regional standard is adopted by the state land~~
2829 ~~planning agency, the regional standard shall be applied to all~~
2830 ~~pertinent development of regional impact reviews conducted in~~
2831 ~~that region until rescinded.~~

2832 ~~(c) Within 6 months of the effective date of this section,~~
2833 ~~the state land planning agency shall adopt rules which:~~

2834 ~~1. Establish uniform statewide standards for development~~
2835 ~~of regional impact review.~~

2836 ~~2. Establish a short application for development approval~~
2837 ~~form which eliminates issues and questions for any project in a~~
2838 ~~jurisdiction with an adopted local comprehensive plan that is in~~
2839 ~~compliance.~~

2840 ~~(d) Regional planning agencies that perform development~~
2841 ~~of regional impact and Florida Quality Development review are~~
2842 ~~authorized to assess and collect fees to fund the costs, direct~~
2843 ~~and indirect, of conducting the review process. The state land~~
2844 ~~planning agency shall adopt rules to provide uniform criteria~~
2845 ~~for the assessment and collection of such fees. The rules~~
2846 ~~providing uniform criteria shall not be subject to rule~~
2847 ~~challenge under s. 120.56(2) or to drawout proceedings under s.~~
2848 ~~120.54(3)(c)2., but, once adopted, shall be subject to an~~
2849 ~~invalidity challenge under s. 120.56(3) by substantially~~
2850 ~~affected persons. Until the state land planning agency adopts a~~



2851 ~~rule implementing this paragraph, rules of the regional planning~~
2852 ~~councils currently in effect regarding fees shall remain in~~
2853 ~~effect. Fees may vary in relation to the type and size of a~~
2854 ~~proposed project, but shall not exceed \$75,000, unless the state~~
2855 ~~land planning agency, after reviewing any disputed expenses~~
2856 ~~charged by the regional planning agency, determines that said~~
2857 ~~expenses were reasonable and necessary for an adequate regional~~
2858 ~~review of the impacts of a project.~~

2859 ~~(24) STATUTORY EXEMPTIONS.—~~

2860 ~~(a) Any proposed hospital is exempt from this section.~~

2861 ~~(b) Any proposed electrical transmission line or~~
2862 ~~electrical power plant is exempt from this section.~~

2863 ~~(c) Any proposed addition to an existing sports facility~~
2864 ~~complex is exempt from this section if the addition meets the~~
2865 ~~following characteristics:~~

2866 ~~1. It would not operate concurrently with the scheduled~~
2867 ~~hours of operation of the existing facility.~~

2868 ~~2. Its seating capacity would be no more than 75 percent~~
2869 ~~of the capacity of the existing facility.~~

2870 ~~3. The sports facility complex property is owned by a~~
2871 ~~public body before July 1, 1983.~~

2872

2873 ~~This exemption does not apply to any pari-mutuel facility.~~

2874 ~~(d) Any proposed addition or cumulative additions~~
2875 ~~subsequent to July 1, 1988, to an existing sports facility~~



2876 ~~complex owned by a state university is exempt if the increased~~
2877 ~~seating capacity of the complex is no more than 30 percent of~~
2878 ~~the capacity of the existing facility.~~

2879 ~~(c) Any addition of permanent seats or parking spaces for~~
2880 ~~an existing sports facility located on property owned by a~~
2881 ~~public body before July 1, 1973, is exempt from this section if~~
2882 ~~future additions do not expand existing permanent seating or~~
2883 ~~parking capacity more than 15 percent annually in excess of the~~
2884 ~~prior year's capacity.~~

2885 ~~(f) Any increase in the seating capacity of an existing~~
2886 ~~sports facility having a permanent seating capacity of at least~~
2887 ~~50,000 spectators is exempt from this section, provided that~~
2888 ~~such an increase does not increase permanent seating capacity by~~
2889 ~~more than 5 percent per year and not to exceed a total of 10~~
2890 ~~percent in any 5-year period, and provided that the sports~~
2891 ~~facility notifies the appropriate local government within which~~
2892 ~~the facility is located of the increase at least 6 months before~~
2893 ~~the initial use of the increased seating, in order to permit the~~
2894 ~~appropriate local government to develop a traffic management~~
2895 ~~plan for the traffic generated by the increase. Any traffic~~
2896 ~~management plan shall be consistent with the local comprehensive~~
2897 ~~plan, the regional policy plan, and the state comprehensive~~
2898 ~~plan.~~

2899 ~~(g) Any expansion in the permanent seating capacity or~~
2900 ~~additional improved parking facilities of an existing sports~~



2901 ~~facility is exempt from this section, if the following~~
2902 ~~conditions exist:~~

2903 ~~1.a. The sports facility had a permanent seating capacity~~
2904 ~~on January 1, 1991, of at least 41,000 spectator seats;~~

2905 ~~b. The sum of such expansions in permanent seating~~
2906 ~~capacity does not exceed a total of 10 percent in any 5-year~~
2907 ~~period and does not exceed a cumulative total of 20 percent for~~
2908 ~~any such expansions; or~~

2909 ~~e. The increase in additional improved parking facilities~~
2910 ~~is a one-time addition and does not exceed 3,500 parking spaces~~
2911 ~~-serving the sports facility; and~~

2912 ~~2. The local government having jurisdiction of the sports~~
2913 ~~facility includes in the development order or development permit~~
2914 ~~approving such expansion under this paragraph a finding of fact~~
2915 ~~that the proposed expansion is consistent with the~~
2916 ~~transportation, water, sewer and stormwater drainage provisions~~
2917 ~~of the approved local comprehensive plan and local land~~
2918 ~~development regulations relating to those provisions.~~

2919
2920 ~~Any owner or developer who intends to rely on this statutory~~
2921 ~~exemption shall provide to the department a copy of the local~~
2922 ~~government application for a development permit. Within 45 days~~
2923 ~~after receipt of the application, the department shall render to~~
2924 ~~the local government an advisory and nonbinding opinion, in~~
2925 ~~writing, stating whether, in the department's opinion, the~~



2926 ~~prescribed conditions exist for an exemption under this~~
2927 ~~paragraph. The local government shall render the development~~
2928 ~~order approving each such expansion to the department. The~~
2929 ~~owner, developer, or department may appeal the local government~~
2930 ~~development order pursuant to s. 380.07, within 45 days after~~
2931 ~~the order is rendered. The scope of review shall be limited to~~
2932 ~~the determination of whether the conditions prescribed in this~~
2933 ~~paragraph exist. If any sports facility expansion undergoes~~
2934 ~~development-of-regional-impact review, all previous expansions~~
2935 ~~which were exempt under this paragraph shall be included in the~~
2936 ~~development-of-regional-impact review.~~

2937 ~~(h) Expansion to port harbors, spoil disposal sites,~~
2938 ~~navigation channels, turning basins, harbor berths, and other~~
2939 ~~related inwater harbor facilities of ports listed in s.~~
2940 ~~403.021(9) (b), port transportation facilities and projects~~
2941 ~~listed in s. 311.07(3) (b), and intermodal transportation~~
2942 ~~facilities identified pursuant to s. 311.09(3) are exempt from~~
2943 ~~this section when such expansions, projects, or facilities are~~
2944 ~~consistent with comprehensive master plans that are in~~
2945 ~~compliance with s. 163.3178.~~

2946 ~~(i) Any proposed facility for the storage of any petroleum~~
2947 ~~product or any expansion of an existing facility is exempt from~~
2948 ~~this section.~~

2949 ~~(j) Any renovation or redevelopment within the same land~~
2950 ~~parcel which does not change land use or increase density or~~



2951 ~~intensity of use.~~

2952 ~~(k) Waterport and marina development, including dry~~
2953 ~~storage facilities, are exempt from this section.~~

2954 ~~(l) Any proposed development within an urban service~~
2955 ~~boundary established under s. 163.3177(14), Florida Statutes~~
2956 ~~(2010), which is not otherwise exempt pursuant to subsection~~
2957 ~~(29), is exempt from this section if the local government having~~
2958 ~~jurisdiction over the area where the development is proposed has~~
2959 ~~adopted the urban service boundary and has entered into a~~
2960 ~~binding agreement with jurisdictions that would be impacted and~~
2961 ~~with the Department of Transportation regarding the mitigation~~
2962 ~~of impacts on state and regional transportation facilities.~~

2963 ~~(m) Any proposed development within a rural land~~
2964 ~~stewardship area created under s. 163.3248.~~

2965 ~~(n) The establishment, relocation, or expansion of any~~
2966 ~~military installation as defined in s. 163.3175, is exempt from~~
2967 ~~this section.~~

2968 ~~(o) Any self-storage warehousing that does not allow~~
2969 ~~retail or other services is exempt from this section.~~

2970 ~~(p) Any proposed nursing home or assisted living facility~~
2971 ~~is exempt from this section.~~

2972 ~~(q) Any development identified in an airport master plan~~
2973 ~~and adopted into the comprehensive plan pursuant to s.~~
2974 ~~163.3177(6)(b)4. is exempt from this section.~~

2975 ~~(r) Any development identified in a campus master plan and~~



2976 ~~adopted pursuant to s. 1013.30 is exempt from this section.~~

2977 ~~(s) Any development in a detailed specific area plan which~~

2978 ~~is prepared and adopted pursuant to s. 163.3245 is exempt from~~

2979 ~~this section.~~

2980 ~~(t) Any proposed solid mineral mine and any proposed~~

2981 ~~addition to, expansion of, or change to an existing solid~~

2982 ~~mineral mine is exempt from this section. A mine owner will~~

2983 ~~enter into a binding agreement with the Department of~~

2984 ~~Transportation to mitigate impacts to strategic intermodal~~

2985 ~~system facilities pursuant to the transportation thresholds in~~

2986 ~~subsection (19) or rule 9J-2.045(6), Florida Administrative~~

2987 ~~Code. Proposed changes to any previously approved solid mineral~~

2988 ~~mine development of regional impact development orders having~~

2989 ~~vested rights are is not subject to further review or approval~~

2990 ~~as a development of regional impact or notice of proposed change~~

2991 ~~review or approval pursuant to subsection (19), except for those~~

2992 ~~applications pending as of July 1, 2011, which shall be governed~~

2993 ~~by s. 380.115(2). Notwithstanding the foregoing, however,~~

2994 ~~pursuant to s. 380.115(1), previously approved solid mineral~~

2995 ~~mine development of regional impact development orders shall~~

2996 ~~continue to enjoy vested rights and continue to be effective~~

2997 ~~unless rescinded by the developer. All local government~~

2998 ~~regulations of proposed solid mineral mines shall be applicable~~

2999 ~~to any new solid mineral mine or to any proposed addition to,~~

3000 ~~expansion of, or change to an existing solid mineral mine.~~



3001 ~~(u) Notwithstanding any provisions in an agreement with or~~
3002 ~~among a local government, regional agency, or the state land~~
3003 ~~planning agency or in a local government's comprehensive plan to~~
3004 ~~the contrary, a project no longer subject to development of~~
3005 ~~regional impact review under revised thresholds is not required~~
3006 ~~to undergo such review.~~

3007 ~~(v) Any development within a county with a research and~~
3008 ~~education authority created by special act and that is also~~
3009 ~~within a research and development park that is operated or~~
3010 ~~managed by a research and development authority pursuant to part~~
3011 ~~V of chapter 159 is exempt from this section.~~

3012 ~~(w) Any development in an energy economic zone designated~~
3013 ~~pursuant to s. 377.809 is exempt from this section upon approval~~
3014 ~~by its local governing body.~~

3015 ~~(x) Any proposed development that is located in a local~~
3016 ~~government jurisdiction that does not qualify for an exemption~~
3017 ~~based on the population and density criteria in paragraph~~
3018 ~~(29) (a), that is approved as a comprehensive plan amendment~~
3019 ~~adopted pursuant to s. 163.3184(4), and that is the subject of~~
3020 ~~an agreement pursuant to s. 288.106(5) is exempt from this~~
3021 ~~section. This exemption shall only be effective upon a written~~
3022 ~~agreement executed by the applicant, the local government, and~~
3023 ~~the state land planning agency. The state land planning agency~~
3024 ~~shall only be a party to the agreement upon a determination that~~
3025 ~~the development is the subject of an agreement pursuant to s.~~



3026 ~~288.106(5) and that the local government has the capacity to~~
3027 ~~adequately assess the impacts of the proposed development. The~~
3028 ~~local government shall only be a party to the agreement upon~~
3029 ~~approval by the governing body of the local government and upon~~
3030 ~~providing at least 21 days' notice to adjacent local governments~~
3031 ~~that includes, at a minimum, information regarding the location,~~
3032 ~~density and intensity of use, and timing of the proposed~~
3033 ~~development. This exemption does not apply to areas within the~~
3034 ~~boundary of any area of critical state concern designated~~
3035 ~~pursuant to s. 380.05, within the boundary of the Wekiva Study~~
3036 ~~Area as described in s. 369.316, or within 2 miles of the~~
3037 ~~boundary of the Everglades Protection Area as defined in s.~~
3038 ~~373.4592(2).~~

3039
3040 ~~If a use is exempt from review as a development of regional~~
3041 ~~impact under paragraphs (a) - (u), but will be part of a larger~~
3042 ~~project that is subject to review as a development of regional~~
3043 ~~impact, the impact of the exempt use must be included in the~~
3044 ~~review of the larger project, unless such exempt use involves a~~
3045 ~~development of regional impact that includes a landowner,~~
3046 ~~tenant, or user that has entered into a funding agreement with~~
3047 ~~the Department of Economic Opportunity under the Innovation~~
3048 ~~Incentive Program and the agreement contemplates a state award~~
3049 ~~of at least \$50 million.~~

3050 (10) ~~(25)~~ AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—



3051 ~~(a) Any approval of an authorized developer for~~ may submit
3052 an areawide development of regional impact remains valid unless
3053 it expired on or before the effective date of this act. ~~to be~~
3054 ~~reviewed pursuant to the procedures and standards set forth in~~
3055 ~~this section. The areawide development of regional impact review~~
3056 ~~shall include an areawide development plan in addition to any~~
3057 ~~other information required under this section. After review and~~
3058 ~~approval of an areawide development of regional impact under~~
3059 ~~this section, all development within the defined planning area~~
3060 ~~shall conform to the approved areawide development plan and~~
3061 ~~development order. Individual developments that conform to the~~
3062 ~~approved areawide development plan shall not be required to~~
3063 ~~undergo further development of regional impact review, unless~~
3064 ~~otherwise provided in the development order. As used in this~~
3065 ~~subsection, the term:~~

3066 1. ~~"Areawide development plan" means a plan of development~~
3067 ~~that, at a minimum:~~

3068 a. ~~Encompasses a defined planning area approved pursuant~~
3069 ~~to this subsection that will include at least two or more~~
3070 ~~developments;~~

3071 b. ~~Maps and defines the land uses proposed, including the~~
3072 ~~amount of development by use and development phasing;~~

3073 e. ~~Integrates a capital improvements program for~~
3074 ~~transportation and other public facilities to ensure development~~
3075 ~~staging contingent on availability of facilities and services;~~



3076 ~~d. Incorporates land development regulation, covenants,~~
3077 ~~and other restrictions adequate to protect resources and~~
3078 ~~facilities of regional and state significance; and~~

3079 ~~e. Specifies responsibilities and identifies the~~
3080 ~~mechanisms for carrying out all commitments in the areawide~~
3081 ~~development plan and for compliance with all conditions of any~~
3082 ~~areawide development order.~~

3083 ~~2. "Developer" means any person or association of persons,~~
3084 ~~including a governmental agency as defined in s. 380.031(6),~~
3085 ~~that petitions for authorization to file an application for~~
3086 ~~development approval for an areawide development plan.~~

3087 ~~(b) A developer may petition for authorization to submit a~~
3088 ~~proposed areawide development of regional impact for a defined~~
3089 ~~planning area in accordance with the following requirements:~~

3090 ~~1. A petition shall be submitted to the local government,~~
3091 ~~the regional planning agency, and the state land planning~~
3092 ~~agency.~~

3093 ~~2. A public hearing or joint public hearing shall be held~~
3094 ~~if required by paragraph (c), with appropriate notice, before~~
3095 ~~the affected local government.~~

3096 ~~3. The state land planning agency shall apply the~~
3097 ~~following criteria for evaluating a petition:~~

3098 ~~a. Whether the developer is financially capable of~~
3099 ~~processing the application for development approval through~~
3100 ~~final approval pursuant to this section.~~



3101 ~~b. Whether the defined planning area and anticipated~~
3102 ~~development therein appear to be of a character, magnitude, and~~
3103 ~~location that a proposed areawide development plan would be in~~
3104 ~~the public interest. Any public interest determination under~~
3105 ~~this criterion is preliminary and not binding on the state land~~
3106 ~~planning agency, regional planning agency, or local government.~~

3107 ~~4. The state land planning agency shall develop and make~~
3108 ~~available standard forms for petitions and applications for~~
3109 ~~development approval for use under this subsection.~~

3110 ~~(c) Any person may submit a petition to a local government~~
3111 ~~having jurisdiction over an area to be developed, requesting~~
3112 ~~that government to approve that person as a developer, whether~~
3113 ~~or not any or all development will be undertaken by that person,~~
3114 ~~and to approve the area as appropriate for an areawide~~
3115 ~~development of regional impact.~~

3116 ~~(d) A general purpose local government with jurisdiction~~
3117 ~~over an area to be considered in an areawide development of~~
3118 ~~regional impact shall not have to petition itself for~~
3119 ~~authorization to prepare and consider an application for~~
3120 ~~development approval for an areawide development plan. However,~~
3121 ~~such a local government shall initiate the preparation of an~~
3122 ~~application only:~~

3123 ~~1. After scheduling and conducting a public hearing as~~
3124 ~~specified in paragraph (c); and~~

3125 ~~2. After conducting such hearing, finding that the~~



3126 ~~planning area meets the standards and criteria pursuant to~~
3127 ~~subparagraph (b)3. for determining that an areawide development~~
3128 ~~plan will be in the public interest.~~

3129 ~~(c) The local government shall schedule a public hearing~~
3130 ~~within 60 days after receipt of the petition. The public hearing~~
3131 ~~shall be advertised at least 30 days prior to the hearing. In~~
3132 ~~addition to the public hearing notice by the local government,~~
3133 ~~the petitioner, except when the petitioner is a local~~
3134 ~~government, shall provide actual notice to each person owning~~
3135 ~~land within the proposed areawide development plan at least 30~~
3136 ~~days prior to the hearing. If the petitioner is a local~~
3137 ~~government, or local governments pursuant to an interlocal~~
3138 ~~agreement, notice of the public hearing shall be provided by the~~
3139 ~~publication of an advertisement in a newspaper of general~~
3140 ~~circulation that meets the requirements of this paragraph. The~~
3141 ~~advertisement must be no less than one-quarter page in a~~
3142 ~~standard size or tabloid size newspaper, and the headline in the~~
3143 ~~advertisement must be in type no smaller than 18 point. The~~
3144 ~~advertisement shall not be published in that portion of the~~
3145 ~~newspaper where legal notices and classified advertisements~~
3146 ~~appear. The advertisement must be published in a newspaper of~~
3147 ~~general paid circulation in the county and of general interest~~
3148 ~~and readership in the community, not one of limited subject~~
3149 ~~matter, pursuant to chapter 50. Whenever possible, the~~
3150 ~~advertisement must appear in a newspaper that is published at~~



3151 ~~least 5 days a week, unless the only newspaper in the community~~
3152 ~~is published less than 5 days a week. The advertisement must be~~
3153 ~~in substantially the form used to advertise amendments to~~
3154 ~~comprehensive plans pursuant to s. 163.3184. The local~~
3155 ~~government shall specifically notify in writing the regional~~
3156 ~~planning agency and the state land planning agency at least 30~~
3157 ~~days prior to the public hearing. At the public hearing, all~~
3158 ~~interested parties may testify and submit evidence regarding the~~
3159 ~~petitioner's qualifications, the need for and benefits of an~~
3160 ~~areawide development of regional impact, and such other issues~~
3161 ~~relevant to a full consideration of the petition. If more than~~
3162 ~~one local government has jurisdiction over the defined planning~~
3163 ~~area in an areawide development plan, the local governments~~
3164 ~~shall hold a joint public hearing. Such hearing shall address,~~
3165 ~~at a minimum, the need to resolve conflicting ordinances or~~
3166 ~~comprehensive plans, if any. The local government holding the~~
3167 ~~joint hearing shall comply with the following additional~~
3168 ~~requirements:~~

3169 ~~1. The notice of the hearing shall be published at least~~
3170 ~~60 days in advance of the hearing and shall specify where the~~
3171 ~~petition may be reviewed.~~

3172 ~~2. The notice shall be given to the state land planning~~
3173 ~~agency, to the applicable regional planning agency, and to such~~
3174 ~~other persons as may have been designated by the state land~~
3175 ~~planning agency as entitled to receive such notices.~~



3176 ~~3. A public hearing date shall be set by the appropriate~~
3177 ~~local government at the next scheduled meeting.~~

3178 ~~(f) Following the public hearing, the local government~~
3179 ~~shall issue a written order, appealable under s. 380.07, which~~
3180 ~~approves, approves with conditions, or denies the petition. It~~
3181 ~~shall approve the petitioner as the developer if it finds that~~
3182 ~~the petitioner and defined planning area meet the standards and~~
3183 ~~criteria, consistent with applicable law, pursuant to~~
3184 ~~subparagraph (b)3.~~

3185 ~~(g) The local government shall submit any order which~~
3186 ~~approves the petition, or approves the petition with conditions,~~
3187 ~~to the petitioner, to all owners of property within the defined~~
3188 ~~planning area, to the regional planning agency, and to the state~~
3189 ~~land planning agency within 30 days after the order becomes~~
3190 ~~effective.~~

3191 ~~(h) The petitioner, an owner of property within the~~
3192 ~~defined planning area, the appropriate regional planning agency~~
3193 ~~by vote at a regularly scheduled meeting, or the state land~~
3194 ~~planning agency may appeal the decision of the local government~~
3195 ~~to the Florida Land and Water Adjudicatory Commission by filing~~
3196 ~~a notice of appeal with the commission. The procedures~~
3197 ~~established in s. 380.07 shall be followed for such an appeal.~~

3198 ~~(i) After the time for appeal of the decision has run, an~~
3199 ~~approved developer may submit an application for development~~
3200 ~~approval for a proposed areawide development of regional impact~~



3201 ~~for land within the defined planning area, pursuant to~~
3202 ~~subsection (6). Development undertaken in conformance with an~~
3203 ~~areawide development order issued under this section shall not~~
3204 ~~require further development of regional impact review.~~

3205 ~~(j) In reviewing an application for a proposed areawide~~
3206 ~~development of regional impact, the regional planning agency~~
3207 ~~shall evaluate, and the local government shall consider, the~~
3208 ~~following criteria, in addition to any other criteria set forth~~
3209 ~~in this section:~~

3210 ~~1. Whether the developer has demonstrated its legal,~~
3211 ~~financial, and administrative ability to perform any commitments~~
3212 ~~it has made in the application for a proposed areawide~~
3213 ~~development of regional impact.~~

3214 ~~2. Whether the developer has demonstrated that all~~
3215 ~~property owners within the defined planning area consent or do~~
3216 ~~not object to the proposed areawide development of regional~~
3217 ~~impact.~~

3218 ~~3. Whether the area and the anticipated development are~~
3219 ~~consistent with the applicable local, regional, and state~~
3220 ~~comprehensive plans, except as provided for in paragraph (k).~~

3221 ~~(k) In addition to the requirements of subsection (14), a~~
3222 ~~development order approving, or approving with conditions, a~~
3223 ~~proposed areawide development of regional impact shall specify~~
3224 ~~the approved land uses and the amount of development approved~~
3225 ~~within each land use category in the defined planning area. The~~



3226 ~~development order shall incorporate by reference the approved~~
3227 ~~areawide development plan. The local government shall not~~
3228 ~~approve an areawide development plan that is inconsistent with~~
3229 ~~the local comprehensive plan, except that a local government may~~
3230 ~~amend its comprehensive plan pursuant to paragraph (6) (b).~~

3231 ~~(l) Any owner of property within the defined planning area~~
3232 ~~may withdraw his or her consent to the areawide development plan~~
3233 ~~at any time prior to local government approval, with or without~~
3234 ~~conditions, of the petition; and the plan, the areawide~~
3235 ~~development order, and the exemption from development of~~
3236 ~~regional impact review of individual projects under this section~~
3237 ~~shall not thereafter apply to the owner's property. After the~~
3238 ~~areawide development order is issued, a landowner may withdraw~~
3239 ~~his or her consent only with the approval of the local~~
3240 ~~government.~~

3241 ~~(m) If the developer of an areawide development of~~
3242 ~~regional impact is a general purpose local government with~~
3243 ~~jurisdiction over the land area included within the areawide~~
3244 ~~development proposal and if no interest in the land within the~~
3245 ~~land area is owned, leased, or otherwise controlled by a person,~~
3246 ~~corporate or natural, for the purpose of mining or beneficiation~~
3247 ~~of minerals, then:~~

3248 ~~1. Demonstration of property owner consent or lack of~~
3249 ~~objection to an areawide development plan shall not be required;~~
3250 ~~and~~



3251 ~~2. The option to withdraw consent does not apply, and all~~
3252 ~~property and development within the areawide development~~
3253 ~~planning area shall be subject to the areawide plan and to the~~
3254 ~~development order conditions.~~

3255 ~~(n) After a development order approving an areawide~~
3256 ~~development plan is received, changes shall be subject to the~~
3257 ~~provisions of subsection (19), except that the percentages and~~
3258 ~~numerical criteria shall be double those listed in paragraph~~
3259 ~~(19)(b).~~

3260 ~~(11)(26)~~ ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.-

3261 (a) There is hereby established a process to abandon a
3262 development of regional impact and its associated development
3263 orders. A development of regional impact and its associated
3264 development orders may be proposed to be abandoned by the owner
3265 or developer. The local government in whose jurisdiction ~~in~~
3266 ~~which~~ the development of regional impact is located also may
3267 propose to abandon the development of regional impact, provided
3268 that the local government gives individual written notice to
3269 each development-of-regional-impact owner and developer of
3270 record, and provided that no such owner or developer objects in
3271 writing to the local government before ~~prior to~~ or at the public
3272 hearing pertaining to abandonment of the development of regional
3273 impact. ~~The state land planning agency is authorized to~~
3274 ~~promulgate rules that shall include, but not be limited to,~~
3275 ~~criteria for determining whether to grant, grant with~~



3276 ~~conditions, or deny a proposal to abandon, and provisions to~~
3277 ~~ensure that the developer satisfies all applicable conditions of~~
3278 ~~the development order and adequately mitigates for the impacts~~
3279 ~~of the development.~~ If there is no existing development within
3280 the development of regional impact at the time of abandonment
3281 and no development within the development of regional impact is
3282 proposed by the owner or developer after such abandonment, an
3283 abandonment order may ~~shall~~ not require the owner or developer
3284 to contribute any land, funds, or public facilities as a
3285 condition of such abandonment order. The local government must
3286 file rules ~~shall also provide a procedure for filing~~ notice of
3287 the abandonment pursuant to s. 28.222 with the clerk of the
3288 circuit court for each county in which the development of
3289 regional impact is located. Abandonment will be deemed to have
3290 occurred upon the recording of the notice. Any decision by a
3291 local government concerning the abandonment of a development of
3292 regional impact is ~~shall be~~ subject to an appeal pursuant to s.
3293 380.07. The issues in any such appeal must ~~shall~~ be confined to
3294 whether the provisions of this subsection ~~or any rules~~
3295 ~~promulgated thereunder~~ have been satisfied.

3296 (b) If requested by the owner, developer, or local
3297 government, the development-of-regional-impact development order
3298 must be abandoned by the local government having jurisdiction
3299 upon a showing that all required mitigation related to the
3300 amount of development which existed on the date of abandonment



3301 has been completed or will be completed under an existing permit
3302 or equivalent authorization issued by a governmental agency as
3303 defined in s. 380.031(6), provided such permit or authorization
3304 is subject to enforcement through administrative or judicial
3305 remedies ~~Upon receipt of written confirmation from the state~~
3306 ~~land planning agency that any required mitigation applicable to~~
3307 ~~completed development has occurred, an industrial development of~~
3308 ~~regional impact located within the coastal high-hazard area of a~~
3309 ~~rural area of opportunity which was approved before the adoption~~
3310 ~~of the local government's comprehensive plan required under s.~~
3311 ~~163.3167 and which plan's future land use map and zoning~~
3312 ~~designates the land use for the development of regional impact~~
3313 ~~as commercial may be unilaterally abandoned without the need to~~
3314 ~~proceed through the process described in paragraph (a) if the~~
3315 ~~developer or owner provides a notice of abandonment to the local~~
3316 ~~government and records such notice with the applicable clerk of~~
3317 ~~court. Abandonment shall be deemed to have occurred upon the~~
3318 ~~recording of the notice. All development following abandonment~~
3319 must ~~shall~~ be fully consistent with the current comprehensive
3320 plan and applicable zoning.

3321 (c) A development order for abandonment of an approved
3322 development of regional impact may be amended by a local
3323 government pursuant to subsection (7), provided that the
3324 amendment does not reduce any mitigation previously required as
3325 a condition of abandonment, unless the developer demonstrates



3326 that changes to the development no longer will result in impacts
3327 that necessitated the mitigation.

3328 ~~(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A~~
3329 ~~DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his~~
3330 ~~or her rights, responsibilities, and obligations under a~~
3331 ~~development order and the development order does not clearly~~
3332 ~~define his or her rights, responsibilities, and obligations, the~~
3333 ~~developer or owner may request participation in resolving the~~
3334 ~~dispute through the dispute resolution process outlined in s.~~
3335 ~~186.509. The Department of Economic Opportunity shall be~~
3336 ~~notified by certified mail of any meeting held under the process~~
3337 ~~provided for by this subsection at least 5 days before the~~
3338 ~~meeting.~~

3339 ~~(28) PARTIAL STATUTORY EXEMPTIONS.—~~

3340 ~~(a) If the binding agreement referenced under paragraph~~
3341 ~~(24) (1) for urban service boundaries is not entered into within~~
3342 ~~12 months after establishment of the urban service boundary, the~~
3343 ~~development of regional impact review for projects within the~~
3344 ~~urban service boundary must address transportation impacts only.~~

3345 ~~(b) If the binding agreement referenced under paragraph~~
3346 ~~(24) (m) for rural land stewardship areas is not entered into~~
3347 ~~within 12 months after the designation of a rural land~~
3348 ~~stewardship area, the development of regional impact review for~~
3349 ~~projects within the rural land stewardship area must address~~
3350 ~~transportation impacts only.~~



3351 ~~(c) If the binding agreement for designated urban infill~~
3352 ~~and redevelopment areas is not entered into within 12 months~~
3353 ~~after the designation of the area or July 1, 2007, whichever~~
3354 ~~occurs later, the development of regional impact review for~~
3355 ~~projects within the urban infill and redevelopment area must~~
3356 ~~address transportation impacts only.~~

3357 ~~(d) A local government that does not wish to enter into a~~
3358 ~~binding agreement or that is unable to agree on the terms of the~~
3359 ~~agreement referenced under paragraph (24) (l) or paragraph~~
3360 ~~(24) (m) shall provide written notification to the state land~~
3361 ~~planning agency of the decision to not enter into a binding~~
3362 ~~agreement or the failure to enter into a binding agreement~~
3363 ~~within the 12-month period referenced in paragraphs (a), (b) and~~
3364 ~~(c). Following the notification of the state land planning~~
3365 ~~agency, development of regional impact review for projects~~
3366 ~~within an urban service boundary under paragraph (24) (l), or a~~
3367 ~~rural land stewardship area under paragraph (24) (m), must~~
3368 ~~address transportation impacts only.~~

3369 ~~(e) The vesting provision of s. 163.3167(5) relating to an~~
3370 ~~authorized development of regional impact does not apply to~~
3371 ~~those projects partially exempt from the development of~~
3372 ~~regional impact review process under paragraphs (a) - (d).~~

3373 ~~(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—~~

3374 ~~(a) The following are exempt from this section:~~

3375 ~~1. Any proposed development in a municipality that has an~~



3376 ~~average of at least 1,000 people per square mile of land area~~
3377 ~~and a minimum total population of at least 5,000;~~

3378 ~~2. Any proposed development within a county, including the~~
3379 ~~municipalities located in the county, that has an average of at~~
3380 ~~least 1,000 people per square mile of land area and is located~~
3381 ~~within an urban service area as defined in s. 163.3164 which has~~
3382 ~~been adopted into the comprehensive plan;~~

3383 ~~3. Any proposed development within a county, including the~~
3384 ~~municipalities located therein, which has a population of at~~
3385 ~~least 900,000, that has an average of at least 1,000 people per~~
3386 ~~square mile of land area, but which does not have an urban~~
3387 ~~service area designated in the comprehensive plan; or~~

3388 ~~4. Any proposed development within a county, including the~~
3389 ~~municipalities located therein, which has a population of at~~
3390 ~~least 1 million and is located within an urban service area as~~
3391 ~~defined in s. 163.3164 which has been adopted into the~~
3392 ~~comprehensive plan.~~

3393
3394 ~~The Office of Economic and Demographic Research within the~~
3395 ~~Legislature shall annually calculate the population and density~~
3396 ~~criteria needed to determine which jurisdictions meet the~~
3397 ~~density criteria in subparagraphs 1.-4. by using the most recent~~
3398 ~~land area data from the decennial census conducted by the Bureau~~
3399 ~~of the Census of the United States Department of Commerce and~~
3400 ~~the latest available population estimates determined pursuant to~~



3401 ~~s. 186.901. If any local government has had an annexation,~~
3402 ~~contraction, or new incorporation, the Office of Economic and~~
3403 ~~Demographic Research shall determine the population density~~
3404 ~~using the new jurisdictional boundaries as recorded in~~
3405 ~~accordance with s. 171.091. The Office of Economic and~~
3406 ~~Demographic Research shall annually submit to the state land~~
3407 ~~planning agency by July 1 a list of jurisdictions that meet the~~
3408 ~~total population and density criteria. The state land planning~~
3409 ~~agency shall publish the list of jurisdictions on its Internet~~
3410 ~~website within 7 days after the list is received. The~~
3411 ~~designation of jurisdictions that meet the criteria of~~
3412 ~~subparagraphs 1.-4. is effective upon publication on the state~~
3413 ~~land planning agency's Internet website. If a municipality that~~
3414 ~~has previously met the criteria no longer meets the criteria,~~
3415 ~~the state land planning agency shall maintain the municipality~~
3416 ~~on the list and indicate the year the jurisdiction last met the~~
3417 ~~criteria. However, any proposed development of regional impact~~
3418 ~~not within the established boundaries of a municipality at the~~
3419 ~~time the municipality last met the criteria must meet the~~
3420 ~~requirements of this section until such time as the municipality~~
3421 ~~as a whole meets the criteria. Any county that meets the~~
3422 ~~criteria shall remain on the list in accordance with the~~
3423 ~~provisions of this paragraph. Any jurisdiction that was placed~~
3424 ~~on the dense urban land area list before June 2, 2011, shall~~
3425 ~~remain on the list in accordance with the provisions of this~~



3426 ~~paragraph.~~

3427 ~~(b) If a municipality that does not qualify as a dense~~
3428 ~~urban land area pursuant to paragraph (a) designates any of the~~
3429 ~~following areas in its comprehensive plan, any proposed~~
3430 ~~development within the designated area is exempt from the~~
3431 ~~development of regional impact process:~~

- 3432 ~~1. Urban infill as defined in s. 163.3164;~~
3433 ~~2. Community redevelopment areas as defined in s. 163.340;~~
3434 ~~3. Downtown revitalization areas as defined in s.~~
3435 ~~163.3164;~~
3436 ~~4. Urban infill and redevelopment under s. 163.2517; or~~
3437 ~~5. Urban service areas as defined in s. 163.3164 or areas~~
3438 ~~within a designated urban service boundary under s.~~
3439 ~~163.3177(14), Florida Statutes (2010).~~

3440 ~~(c) If a county that does not qualify as a dense urban~~
3441 ~~land area designates any of the following areas in its~~
3442 ~~comprehensive plan, any proposed development within the~~
3443 ~~designated area is exempt from the development of regional-~~
3444 ~~impact process:~~

- 3445 ~~1. Urban infill as defined in s. 163.3164;~~
3446 ~~2. Urban infill and redevelopment under s. 163.2517; or~~
3447 ~~3. Urban service areas as defined in s. 163.3164.~~

3448 ~~(d) A development that is located partially outside an~~
3449 ~~area that is exempt from the development of regional impact~~
3450 ~~program must undergo development of regional impact review~~



3451 ~~pursuant to this section. However, if the total acreage that is~~
3452 ~~included within the area exempt from development of regional~~
3453 ~~impact review exceeds 85 percent of the total acreage and square~~
3454 ~~footage of the approved development of regional impact, the~~
3455 ~~development of regional impact development order may be~~
3456 ~~rescinded in both local governments pursuant to s. 380.115(1),~~
3457 ~~unless the portion of the development outside the exempt area~~
3458 ~~meets the threshold criteria of a development of regional~~
3459 ~~impact.~~

3460 ~~(c) In an area that is exempt under paragraphs (a) (c),~~
3461 ~~any previously approved development of regional impact~~
3462 ~~development orders shall continue to be effective, but the~~
3463 ~~developer has the option to be governed by s. 380.115(1). A~~
3464 ~~pending application for development approval shall be governed~~
3465 ~~by s. 380.115(2).~~

3466 ~~(f) Local governments must submit by mail a development~~
3467 ~~order to the state land planning agency for projects that would~~
3468 ~~be larger than 120 percent of any applicable development of~~
3469 ~~regional impact threshold and would require development of~~
3470 ~~regional impact review but for the exemption from the program~~
3471 ~~under paragraphs (a) (c). For such development orders, the state~~
3472 ~~land planning agency may appeal the development order pursuant~~
3473 ~~to s. 380.07 for inconsistency with the comprehensive plan~~
3474 ~~adopted under chapter 163.~~

3475 ~~(g) If a local government that qualifies as a dense urban~~



3476 ~~land area under this subsection is subsequently found to be~~
3477 ~~ineligible for designation as a dense urban land area, any~~
3478 ~~development located within that area which has a complete,~~
3479 ~~pending application for authorization to commence development~~
3480 ~~may maintain the exemption if the developer is continuing the~~
3481 ~~application process in good faith or the development is~~
3482 ~~approved.~~

3483 ~~(h) This subsection does not limit or modify the rights of~~
3484 ~~any person to complete any development that has been authorized~~
3485 ~~as a development of regional impact pursuant to this chapter.~~

3486 ~~(i) This subsection does not apply to areas:~~

3487 ~~1. Within the boundary of any area of critical state~~
3488 ~~concern designated pursuant to s. 380.05;~~

3489 ~~2. Within the boundary of the Wekiva Study Area as~~
3490 ~~described in s. 369.316; or~~

3491 ~~3. Within 2 miles of the boundary of the Everglades~~
3492 ~~Protection Area as described in s. 373.4592(2).~~

3493 ~~(12)-(30) PROPOSED DEVELOPMENTS.-~~

3494 (a) A proposed development that exceeds the statewide
3495 guidelines and standards specified in s. 380.0651 and is not
3496 otherwise exempt pursuant to s. 380.0651 must otherwise subject
3497 to the review requirements of this section shall be approved by
3498 a local government pursuant to s. 163.3184(4) in lieu of
3499 proceeding in accordance with this section. However, if the
3500 proposed development is consistent with the comprehensive plan



3501 as provided in s. 163.3194(3)(b), the development is not
3502 required to undergo review pursuant to s. 163.3184(4) or this
3503 section.

3504 (b) This subsection does not apply to:

3505 1. Amendments to a development order governing an existing
3506 development of regional impact.

3507 2. An application for development approval filed with a
3508 concurrent plan amendment application pending as of May 14,
3509 2015, if the applicant elects to have the application reviewed
3510 pursuant to this section as it existed on that date. The
3511 election shall be in writing and filed with the affected local
3512 government, regional planning council, and state land planning
3513 agency before December 31, 2018.

3514 Section 17. Section 380.061, Florida Statutes, is amended
3515 to read:

3516 380.061 The Florida Quality Developments program.—

3517 (1) This section only applies to developments approved as
3518 Florida Quality Developments before the effective date of this
3519 act ~~There is hereby created the Florida Quality Developments~~
3520 ~~program. The intent of this program is to encourage development~~
3521 ~~which has been thoughtfully planned to take into consideration~~
3522 ~~protection of Florida's natural amenities, the cost to local~~
3523 ~~government of providing services to a growing community, and the~~
3524 ~~high quality of life Floridians desire. It is further intended~~
3525 ~~that the developer be provided, through a cooperative and~~



3526 ~~coordinated effort, an expeditious and timely review by all~~
3527 ~~agencies with jurisdiction over the project of his or her~~
3528 ~~proposed development.~~

3529 (2) Following written notification to the state land
3530 planning agency and the appropriate regional planning agency, a
3531 local government with an approved Florida Quality Development
3532 within its jurisdiction must set a public hearing pursuant to
3533 its local procedures and shall adopt a local development order
3534 to replace and supersede the development order adopted by the
3535 state land planning agency for the Florida Quality Development.
3536 Thereafter, the Florida Quality Development shall follow the
3537 procedures and requirements for developments of regional impact
3538 as specified in this chapter ~~Developments that may be designated~~
3539 ~~as Florida Quality Developments are those developments which are~~
3540 ~~above 80 percent of any numerical thresholds in the guidelines~~
3541 ~~and standards for development of regional impact review pursuant~~
3542 ~~to s. 380.06.~~

3543 (3) (a) ~~To be eligible for designation under this program,~~
3544 ~~the developer shall comply with each of the following~~
3545 ~~requirements if applicable to the site of a qualified~~
3546 ~~development:~~

3547 1. ~~Donate or enter into a binding commitment to donate the~~
3548 ~~fee or a lesser interest sufficient to protect, in perpetuity,~~
3549 ~~the natural attributes of the types of land listed below. In~~
3550 ~~lieu of this requirement, the developer may enter into a binding~~



3551 ~~commitment that runs with the land to set aside such areas on~~
3552 ~~the property, in perpetuity, as open space to be retained in a~~
3553 ~~natural condition or as otherwise permitted under this~~
3554 ~~subparagraph. Under the requirements of this subparagraph, the~~
3555 ~~developer may reserve the right to use such areas for passive~~
3556 ~~recreation that is consistent with the purposes for which the~~
3557 ~~land was preserved.~~

3558 ~~a. Those wetlands and water bodies throughout the state~~
3559 ~~which would be delineated if the provisions of s. 373.4145(1)(b)~~
3560 ~~were applied. The developer may use such areas for the purpose~~
3561 ~~of site access, provided other routes of access are unavailable~~
3562 ~~or impracticable; may use such areas for the purpose of~~
3563 ~~stormwater or domestic sewage management and other necessary~~
3564 ~~utilities if such uses are permitted pursuant to chapter 403; or~~
3565 ~~may redesign or alter wetlands and water bodies within the~~
3566 ~~jurisdiction of the Department of Environmental Protection which~~
3567 ~~have been artificially created if the redesign or alteration is~~
3568 ~~done so as to produce a more naturally functioning system.~~

3569 ~~b. Active beach or primary and, where appropriate,~~
3570 ~~secondary dunes, to maintain the integrity of the dune system~~
3571 ~~and adequate public accessways to the beach. However, the~~
3572 ~~developer may retain the right to construct and maintain~~
3573 ~~elevated walkways over the dunes to provide access to the beach.~~

3574 ~~e. Known archaeological sites determined to be of~~
3575 ~~significance by the Division of Historical Resources of the~~



3576 ~~Department of State.~~

3577 ~~d. Areas known to be important to animal species~~
3578 ~~designated as endangered or threatened by the United States Fish~~
3579 ~~and Wildlife Service or by the Fish and Wildlife Conservation~~
3580 ~~Commission, for reproduction, feeding, or nesting; for traveling~~
3581 ~~between such areas used for reproduction, feeding, or nesting;~~
3582 ~~or for escape from predation.~~

3583 ~~e. Areas known to contain plant species designated as~~
3584 ~~endangered by the Department of Agriculture and Consumer~~
3585 ~~Services.~~

3586 ~~2. Produce, or dispose of, no substances designated as~~
3587 ~~hazardous or toxic substances by the United States Environmental~~
3588 ~~Protection Agency, the Department of Environmental Protection,~~
3589 ~~or the Department of Agriculture and Consumer Services. This~~
3590 ~~subparagraph does not apply to the production of these~~
3591 ~~substances in nonsignificant amounts as would occur through~~
3592 ~~household use or incidental use by businesses.~~

3593 ~~3. Participate in a downtown reuse or redevelopment~~
3594 ~~program to improve and rehabilitate a declining downtown area.~~

3595 ~~4. Incorporate no dredge and fill activities in, and no~~
3596 ~~stormwater discharge into, waters designated as Class II,~~
3597 ~~aquatic preserves, or Outstanding Florida Waters, except as~~
3598 ~~permitted pursuant to s. 403.813(1), and the developer~~
3599 ~~demonstrates that those activities meet the standards under~~
3600 ~~Class II waters, Outstanding Florida Waters, or aquatic~~



3601 ~~preserves, as applicable.~~

3602 ~~5. Include open space, recreation areas, Florida friendly~~
3603 ~~landscaping as defined in s. 373.185, and energy conservation~~
3604 ~~and minimize impermeable surfaces as appropriate to the location~~
3605 ~~and type of project.~~

3606 ~~6. Provide for construction and maintenance of all onsite~~
3607 ~~infrastructure necessary to support the project and enter into a~~
3608 ~~binding commitment with local government to provide an~~
3609 ~~appropriate fair-share contribution toward the offsite impacts~~
3610 ~~that the development will impose on publicly funded facilities~~
3611 ~~and services, except offsite transportation, and condition or~~
3612 ~~phase the commencement of development to ensure that public~~
3613 ~~facilities and services, except offsite transportation, are~~
3614 ~~available concurrent with the impacts of the development. For~~
3615 ~~the purposes of offsite transportation impacts, the developer~~
3616 ~~shall comply, at a minimum, with the standards of the state land~~
3617 ~~planning agency's development-of-regional-impact transportation~~
3618 ~~rule, the approved strategic regional policy plan, any~~
3619 ~~applicable regional planning council transportation rule, and~~
3620 ~~the approved local government comprehensive plan and land~~
3621 ~~development regulations adopted pursuant to part II of chapter~~
3622 ~~163.~~

3623 ~~7. Design and construct the development in a manner that~~
3624 ~~is consistent with the adopted state plan, the applicable~~
3625 ~~strategic regional policy plan, and the applicable adopted local~~



3626 ~~government comprehensive plan.~~

3627 ~~(b) In addition to the foregoing requirements, the~~
3628 ~~developer shall plan and design his or her development in a~~
3629 ~~manner which includes the needs of the people in this state as~~
3630 ~~identified in the state comprehensive plan and the quality of~~
3631 ~~life of the people who will live and work in or near the~~
3632 ~~development. The developer is encouraged to plan and design his~~
3633 ~~or her development in an innovative manner. These planning and~~
3634 ~~design features may include, but are not limited to, such things~~
3635 ~~as affordable housing, care for the elderly, urban renewal or~~
3636 ~~redevelopment, mass transit, the protection and preservation of~~
3637 ~~wetlands outside the jurisdiction of the Department of~~
3638 ~~Environmental Protection or of uplands as wildlife habitat,~~
3639 ~~provision for the recycling of solid waste, provision for onsite~~
3640 ~~child care, enhancement of emergency management capabilities,~~
3641 ~~the preservation of areas known to be primary habitat for~~
3642 ~~significant populations of species of special concern designated~~
3643 ~~by the Fish and Wildlife Conservation Commission, or community~~
3644 ~~economic development. These additional amenities will be~~
3645 ~~considered in determining whether the development qualifies for~~
3646 ~~designation under this program.~~

3647 ~~(4) The department shall adopt an application for~~
3648 ~~development designation consistent with the intent of this~~
3649 ~~section.~~

3650 ~~(5) (a) Before filing an application for development~~



3651 ~~designation, the developer shall contact the Department of~~
3652 ~~Economic Opportunity to arrange one or more preapplication~~
3653 ~~conferences with the other reviewing entities. Upon the request~~
3654 ~~of the developer or any of the reviewing entities, other~~
3655 ~~affected state or regional agencies shall participate in this~~
3656 ~~conference. The department, in coordination with the local~~
3657 ~~government with jurisdiction and the regional planning council,~~
3658 ~~shall provide the developer information about the Florida~~
3659 ~~Quality Developments designation process and the use of~~
3660 ~~preapplication conferences to identify issues, coordinate~~
3661 ~~appropriate state, regional, and local agency requirements,~~
3662 ~~fully address any concerns of the local government, the regional~~
3663 ~~planning council, and other reviewing agencies and the meeting~~
3664 ~~of those concerns, if applicable, through development order~~
3665 ~~conditions, and otherwise promote a proper, efficient, and~~
3666 ~~timely review of the proposed Florida Quality Development. The~~
3667 ~~department shall take the lead in coordinating the review~~
3668 ~~process.~~

3669 ~~(b) The developer shall submit the application to the~~
3670 ~~state land planning agency, the appropriate regional planning~~
3671 ~~agency, and the appropriate local government for review. The~~
3672 ~~review shall be conducted under the time limits and procedures~~
3673 ~~set forth in s. 120.60, except that the 90-day time limit shall~~
3674 ~~cease to run when the state land planning agency and the local~~
3675 ~~government have notified the applicant of their decision on~~



3676 ~~whether the development should be designated under this program.~~

3677 ~~(c) At any time prior to the issuance of the Florida~~
3678 ~~Quality Development development order, the developer of a~~
3679 ~~proposed Florida Quality Development shall have the right to~~
3680 ~~withdraw the proposed project from consideration as a Florida~~
3681 ~~Quality Development. The developer may elect to convert the~~
3682 ~~proposed project to a proposed development of regional impact.~~
3683 ~~The conversion shall be in the form of a letter to the reviewing~~
3684 ~~entities stating the developer's intent to seek authorization~~
3685 ~~for the development as a development of regional impact under s.~~
3686 ~~380.06. If a proposed Florida Quality Development converts to a~~
3687 ~~development of regional impact, the developer shall resubmit the~~
3688 ~~appropriate application and the development shall be subject to~~
3689 ~~all applicable procedures under s. 380.06, except that:~~

3690 ~~1. A preapplication conference held under paragraph (a)~~
3691 ~~satisfies the preapplication procedures requirement under s.~~
3692 ~~380.06(7); and~~

3693 ~~2. If requested in the withdrawal letter, a finding of~~
3694 ~~completeness of the application under paragraph (a) and s.~~
3695 ~~120.60 may be converted to a finding of sufficiency by the~~
3696 ~~regional planning council if such a conversion is approved by~~
3697 ~~the regional planning council.~~

3698
3699 ~~The regional planning council shall have 30 days to notify the~~
3700 ~~developer if the request for conversion of completeness to~~



3701 ~~sufficiency is granted or denied. If granted and the application~~
3702 ~~is found sufficient, the regional planning council shall notify~~
3703 ~~the local government that a public hearing date may be set to~~
3704 ~~consider the development for approval as a development of~~
3705 ~~regional impact, and the development shall be subject to all~~
3706 ~~applicable rules, standards, and procedures of s. 380.06. If the~~
3707 ~~request for conversion of completeness to sufficiency is denied,~~
3708 ~~the developer shall resubmit the appropriate application for~~
3709 ~~review and the development shall be subject to all applicable~~
3710 ~~procedures under s. 380.06, except as otherwise provided in this~~
3711 ~~paragraph.~~

3712 ~~(d) If the local government and state land planning agency~~
3713 ~~agree that the project should be designated under this program,~~
3714 ~~the state land planning agency shall issue a development order~~
3715 ~~which incorporates the plan of development as set out in the~~
3716 ~~application along with any agreed-upon modifications and~~
3717 ~~conditions, based on recommendations by the local government and~~
3718 ~~regional planning council, and a certification that the~~
3719 ~~development is designated as one of Florida's Quality~~
3720 ~~Developments. In the event of conflicting recommendations, the~~
3721 ~~state land planning agency, after consultation with the local~~
3722 ~~government and the regional planning agency, shall resolve such~~
3723 ~~conflicts in the development order. Upon designation, the~~
3724 ~~development, as approved, is exempt from development-of-~~
3725 ~~regional-impact review pursuant to s. 380.06.~~



3726 ~~(c) If the local government or state land planning agency,~~
3727 ~~or both, recommends against designation, the development shall~~
3728 ~~undergo development-of-regional-impact review pursuant to s.~~
3729 ~~380.06, except as provided in subsection (6) of this section.~~

3730 ~~(6) (a) In the event that the development is not designated~~
3731 ~~under subsection (5), the developer may appeal that~~
3732 ~~determination to the Quality Developments Review Board. The~~
3733 ~~board shall consist of the secretary of the state land planning~~
3734 ~~agency, the Secretary of Environmental Protection and a member~~
3735 ~~designated by the secretary, the Secretary of Transportation,~~
3736 ~~the executive director of the Fish and Wildlife Conservation~~
3737 ~~Commission, the executive director of the appropriate water~~
3738 ~~management district created pursuant to chapter 373, and the~~
3739 ~~chief executive officer of the appropriate local government.~~
3740 ~~When there is a significant historical or archaeological site~~
3741 ~~within the boundaries of a development which is appealed to the~~
3742 ~~board, the director of the Division of Historical Resources of~~
3743 ~~the Department of State shall also sit on the board. The staff~~
3744 ~~of the state land planning agency shall serve as staff to the~~
3745 ~~board.~~

3746 ~~(b) The board shall meet once each quarter of the year.~~
3747 ~~However, a meeting may be waived if no appeals are pending.~~

3748 ~~(c) On appeal, the sole issue shall be whether the~~
3749 ~~development meets the statutory criteria for designation under~~
3750 ~~this program. An affirmative vote of at least five members of~~



3751 ~~the board, including the affirmative vote of the chief executive~~
3752 ~~officer of the appropriate local government, shall be necessary~~
3753 ~~to designate the development by the board.~~

3754 ~~(d) The state land planning agency shall adopt procedural~~
3755 ~~rules for consideration of appeals under this subsection.~~

3756 ~~(7) (a) The development order issued pursuant to this~~
3757 ~~section is enforceable in the same manner as a development order~~
3758 ~~issued pursuant to s. 380.06.~~

3759 ~~(b) Appeal of a development order issued pursuant to this~~
3760 ~~section shall be available only pursuant to s. 380.07.~~

3761 ~~(8) (a) Any local government comprehensive plan amendments~~
3762 ~~related to a Florida Quality Development may be initiated by a~~
3763 ~~local planning agency and considered by the local governing body~~
3764 ~~at the same time as the application for development approval.~~
3765 ~~Nothing in this subsection shall be construed to require~~
3766 ~~favorable consideration of a Florida Quality Development solely~~
3767 ~~because it is related to a development of regional impact.~~

3768 ~~(b) The department shall adopt, by rule, standards and~~
3769 ~~procedures necessary to implement the Florida Quality~~
3770 ~~Developments program. The rules must include, but need not be~~
3771 ~~limited to, provisions governing annual reports and criteria for~~
3772 ~~determining whether a proposed change to an approved Florida~~
3773 ~~Quality Development is a substantial change requiring further~~
3774 ~~review.~~

3775 Section 18. Section 380.0651, Florida Statutes, is amended



3776 to read:

3777 380.0651 Statewide guidelines, and standards, and
3778 exemptions.—

3779 (1) STATEWIDE GUIDELINES AND STANDARDS.—~~The statewide~~
3780 ~~guidelines and standards for developments required to undergo~~
3781 ~~development of regional impact review provided in this section~~
3782 ~~supersede the statewide guidelines and standards previously~~
3783 ~~adopted by the Administration Commission that address the same~~
3784 ~~development. Other standards and guidelines previously adopted~~
3785 ~~by the Administration Commission, including the residential~~
3786 ~~standards and guidelines, shall not be superseded. The~~
3787 ~~guidelines and standards shall be applied in the manner~~
3788 ~~described in s. 380.06(2)(a).~~

3789 ~~(2) The Administration Commission shall publish the~~
3790 ~~statewide guidelines and standards established in this section~~
3791 ~~in its administrative rule in place of the guidelines and~~
3792 ~~standards that are superseded by this act, without the~~
3793 ~~proceedings required by s. 120.54 and notwithstanding the~~
3794 ~~provisions of s. 120.545(1)(c). The Administration Commission~~
3795 ~~shall initiate rulemaking proceedings pursuant to s. 120.54 to~~
3796 ~~make all other technical revisions necessary to conform the~~
3797 ~~rules to this act. Rule amendments made pursuant to this~~
3798 ~~subsection shall not be subject to the requirement for~~
3799 ~~legislative approval pursuant to s. 380.06(2).~~

3800 ~~(3)~~ Subject to the exemptions and partial exemptions



3801 specified in this section, the following statewide guidelines
3802 and standards shall be applied in the manner described in s.
3803 380.06(2) to determine whether the following developments are
3804 subject to the requirements of s. 380.06 ~~shall be required to~~
3805 ~~undergo development of regional impact review:~~

3806 (a) *Airports.*—

3807 1. Any of the following airport construction projects is
3808 ~~shall be~~ a development of regional impact:

3809 a. A new commercial service or general aviation airport
3810 with paved runways.

3811 b. A new commercial service or general aviation paved
3812 runway.

3813 c. A new passenger terminal facility.

3814 2. Lengthening of an existing runway by 25 percent or an
3815 increase in the number of gates by 25 percent or three gates,
3816 whichever is greater, on a commercial service airport or a
3817 general aviation airport with regularly scheduled flights is a
3818 development of regional impact. However, expansion of existing
3819 terminal facilities at a nonhub or small hub commercial service
3820 airport is ~~shall not be~~ a development of regional impact.

3821 3. Any airport development project which is proposed for
3822 safety, repair, or maintenance reasons alone and would not have
3823 the potential to increase or change existing types of aircraft
3824 activity is not a development of regional impact.

3825 Notwithstanding subparagraphs 1. and 2., renovation,



3826 modernization, or replacement of airport airside or terminal
3827 facilities that may include increases in square footage of such
3828 facilities but does not increase the number of gates or change
3829 the existing types of aircraft activity is not a development of
3830 regional impact.

3831 (b) *Attractions and recreation facilities.*—Any sports,
3832 entertainment, amusement, or recreation facility, including, but
3833 not limited to, a sports arena, stadium, racetrack, tourist
3834 attraction, amusement park, or pari-mutuel facility, the
3835 construction or expansion of which:

3836 1. For single performance facilities:

3837 a. Provides parking spaces for more than 2,500 cars; or

3838 b. Provides more than 10,000 permanent seats for
3839 spectators.

3840 2. For serial performance facilities:

3841 a. Provides parking spaces for more than 1,000 cars; or

3842 b. Provides more than 4,000 permanent seats for
3843 spectators.

3844

3845 For purposes of this subsection, "serial performance facilities"
3846 means those using their parking areas or permanent seating more
3847 than one time per day on a regular or continuous basis.

3848 (c) *Office development.*—Any proposed office building or
3849 park operated under common ownership, development plan, or
3850 management that:



3851 1. Encompasses 300,000 or more square feet of gross floor
3852 area; or

3853 2. Encompasses more than 600,000 square feet of gross
3854 floor area in a county with a population greater than 500,000
3855 and only in a geographic area specifically designated as highly
3856 suitable for increased threshold intensity in the approved local
3857 comprehensive plan.

3858 (d) *Retail and service development.*—Any proposed retail,
3859 service, or wholesale business establishment or group of
3860 establishments which deals primarily with the general public
3861 onsite, operated under one common property ownership,
3862 development plan, or management that:

3863 1. Encompasses more than 400,000 square feet of gross
3864 area; or

3865 2. Provides parking spaces for more than 2,500 cars.

3866 (e) *Recreational vehicle development.*—Any proposed
3867 recreational vehicle development planned to create or
3868 accommodate 500 or more spaces.

3869 (f) *Multiuse development.*—Any proposed development with
3870 two or more land uses where the sum of the percentages of the
3871 appropriate thresholds identified in chapter 28-24, Florida
3872 Administrative Code, or this section for each land use in the
3873 development is equal to or greater than 145 percent. Any
3874 proposed development with three or more land uses, one of which
3875 is residential and contains at least 100 dwelling units or 15



3876 | percent of the applicable residential threshold, whichever is
3877 | greater, where the sum of the percentages of the appropriate
3878 | thresholds identified in chapter 28-24, Florida Administrative
3879 | Code, or this section for each land use in the development is
3880 | equal to or greater than 160 percent. This threshold is in
3881 | addition to, and does not preclude, a development from being
3882 | required to undergo development-of-regional-impact review under
3883 | any other threshold.

3884 | (g) *Residential development.*—A rule may not be adopted
3885 | concerning residential developments which treats a residential
3886 | development in one county as being located in a less populated
3887 | adjacent county unless more than 25 percent of the development
3888 | is located within 2 miles or less of the less populated adjacent
3889 | county. The residential thresholds of adjacent counties with
3890 | less population and a lower threshold may not be controlling on
3891 | any development wholly located within areas designated as rural
3892 | areas of opportunity.

3893 | (h) *Workforce housing.*—The applicable guidelines for
3894 | residential development and the residential component for
3895 | multiuse development shall be increased by 50 percent where the
3896 | developer demonstrates that at least 15 percent of the total
3897 | residential dwelling units authorized within the development of
3898 | regional impact will be dedicated to affordable workforce
3899 | housing, subject to a recorded land use restriction that shall
3900 | be for a period of not less than 20 years and that includes



3901 resale provisions to ensure long-term affordability for income-
3902 eligible homeowners and renters and provisions for the workforce
3903 housing to be commenced prior to the completion of 50 percent of
3904 the market rate dwelling. For purposes of this paragraph, the
3905 term "affordable workforce housing" means housing that is
3906 affordable to a person who earns less than 120 percent of the
3907 area median income, or less than 140 percent of the area median
3908 income if located in a county in which the median purchase price
3909 for a single-family existing home exceeds the statewide median
3910 purchase price of a single-family existing home. For the
3911 purposes of this paragraph, the term "statewide median purchase
3912 price of a single-family existing home" means the statewide
3913 purchase price as determined in the Florida Sales Report,
3914 Single-Family Existing Homes, released each January by the
3915 Florida Association of Realtors and the University of Florida
3916 Real Estate Research Center.

3917 (i) *Schools.*—

3918 1. The proposed construction of any public, private, or
3919 proprietary postsecondary educational campus which provides for
3920 a design population of more than 5,000 full-time equivalent
3921 students, or the proposed physical expansion of any public,
3922 private, or proprietary postsecondary educational campus having
3923 such a design population that would increase the population by
3924 at least 20 percent of the design population.

3925 2. As used in this paragraph, "full-time equivalent



3926 student" means enrollment for 15 or more quarter hours during a
3927 single academic semester. In career centers or other
3928 institutions which do not employ semester hours or quarter hours
3929 in accounting for student participation, enrollment for 18
3930 contact hours shall be considered equivalent to one quarter
3931 hour, and enrollment for 27 contact hours shall be considered
3932 equivalent to one semester hour.

3933 3. This paragraph does not apply to institutions which are
3934 the subject of a campus master plan adopted by the university
3935 board of trustees pursuant to s. 1013.30.

3936 (2) STATUTORY EXEMPTIONS.—The following developments are
3937 exempt from s. 380.06:

3938 (a) Any proposed hospital.

3939 (b) Any proposed electrical transmission line or
3940 electrical power plant.

3941 (c) Any proposed addition to an existing sports facility
3942 complex if the addition meets the following characteristics:

3943 1. It would not operate concurrently with the scheduled
3944 hours of operation of the existing facility;

3945 2. Its seating capacity would be no more than 75 percent
3946 of the capacity of the existing facility; and

3947 3. The sports facility complex property was owned by a
3948 public body before July 1, 1983.

3949
3950 This exemption does not apply to any pari-mutuel facility as



3951 defined in s. 550.002.

3952 (d) Any proposed addition or cumulative additions
3953 subsequent to July 1, 1988, to an existing sports facility
3954 complex owned by a state university, if the increased seating
3955 capacity of the complex is no more than 30 percent of the
3956 capacity of the existing facility.

3957 (e) Any addition of permanent seats or parking spaces for
3958 an existing sports facility located on property owned by a
3959 public body before July 1, 1973, if future additions do not
3960 expand existing permanent seating or parking capacity more than
3961 15 percent annually in excess of the prior year's capacity.

3962 (f) Any increase in the seating capacity of an existing
3963 sports facility having a permanent seating capacity of at least
3964 50,000 spectators, provided that such an increase does not
3965 increase permanent seating capacity by more than 5 percent per
3966 year and does not exceed a total of 10 percent in any 5-year
3967 period. The sports facility must notify the appropriate local
3968 government within which the facility is located of the increase
3969 at least 6 months before the initial use of the increased
3970 seating in order to permit the appropriate local government to
3971 develop a traffic management plan for the traffic generated by
3972 the increase. Any traffic management plan must be consistent
3973 with the local comprehensive plan, the regional policy plan, and
3974 the state comprehensive plan.

3975 (g) Any expansion in the permanent seating capacity or



3976 additional improved parking facilities of an existing sports
3977 facility, if the following conditions exist:

3978 1.a. The sports facility had a permanent seating capacity
3979 on January 1, 1991, of at least 41,000 spectator seats;

3980 b. The sum of such expansions in permanent seating
3981 capacity does not exceed a total of 10 percent in any 5-year
3982 period and does not exceed a cumulative total of 20 percent for
3983 any such expansions; or

3984 c. The increase in additional improved parking facilities
3985 is a one-time addition and does not exceed 3,500 parking spaces
3986 servicing the sports facility; and

3987 2. The local government having jurisdiction over the
3988 sports facility includes in the development order or development
3989 permit approving such expansion under this paragraph a finding
3990 of fact that the proposed expansion is consistent with the
3991 transportation, water, sewer, and stormwater drainage provisions
3992 of the approved local comprehensive plan and local land
3993 development regulations relating to those provisions.

3994
3995 Any owner or developer who intends to rely on this statutory
3996 exemption shall provide to the state land planning agency a copy
3997 of the local government application for a development permit.

3998 Within 45 days after receipt of the application, the state land
3999 planning agency shall render to the local government an advisory
4000 and nonbinding opinion, in writing, stating whether, in the



4001 state land planning agency's opinion, the prescribed conditions
4002 exist for an exemption under this paragraph. The local
4003 government shall render the development order approving each
4004 such expansion to the state land planning agency. The owner,
4005 developer, or state land planning agency may appeal the local
4006 government development order pursuant to s. 380.07 within 45
4007 days after the order is rendered. The scope of review shall be
4008 limited to the determination of whether the conditions
4009 prescribed in this paragraph exist. If any sports facility
4010 expansion undergoes development-of-regional-impact review, all
4011 previous expansions that were exempt under this paragraph must
4012 be included in the development-of-regional-impact review.

4013 (h) Expansion to port harbors, spoil disposal sites,
4014 navigation channels, turning basins, harbor berths, and other
4015 related inwater harbor facilities of the ports specified in s.
4016 403.021(9)(b), port transportation facilities and projects
4017 listed in s. 311.07(3)(b), and intermodal transportation
4018 facilities identified pursuant to s. 311.09(3) when such
4019 expansions, projects, or facilities are consistent with port
4020 master plans and are in compliance with s. 163.3178.

4021 (i) Any proposed facility for the storage of any petroleum
4022 product or any expansion of an existing facility.

4023 (j) Any renovation or redevelopment within the same parcel
4024 as the existing development if such renovation or redevelopment
4025 does not change land use or increase density or intensity of



4026 use.

4027 (k) Waterport and marina development, including dry
4028 storage facilities.

4029 (l) Any proposed development within an urban service area
4030 boundary established under s. 163.3177(14), Florida Statutes
4031 2010, that is not otherwise exempt pursuant to subsection (3),
4032 if the local government having jurisdiction over the area where
4033 the development is proposed has adopted the urban service area
4034 boundary and has entered into a binding agreement with
4035 jurisdictions that would be impacted and with the Department of
4036 Transportation regarding the mitigation of impacts on state and
4037 regional transportation facilities.

4038 (m) Any proposed development within a rural land
4039 stewardship area created under s. 163.3248.

4040 (n) The establishment, relocation, or expansion of any
4041 military installation as specified in s. 163.3175.

4042 (o) Any self-storage warehousing that does not allow
4043 retail or other services.

4044 (p) Any proposed nursing home or assisted living facility.

4045 (q) Any development identified in an airport master plan
4046 and adopted into the comprehensive plan pursuant to s.
4047 163.3177(6)(b)4.

4048 (r) Any development identified in a campus master plan and
4049 adopted pursuant to s. 1013.30.

4050 (s) Any development in a detailed specific area plan



4051 prepared and adopted pursuant to s. 163.3245.

4052 (t) Any proposed solid mineral mine and any proposed
4053 addition to, expansion of, or change to an existing solid
4054 mineral mine. A mine owner must, however, enter into a binding
4055 agreement with the Department of Transportation to mitigate
4056 impacts to strategic intermodal system facilities. Proposed
4057 changes to any previously approved solid mineral mine
4058 development-of-regional-impact development orders having vested
4059 rights are not subject to further review or approval as a
4060 development-of-regional-impact or notice-of-proposed-change
4061 review or approval pursuant to subsection (19), except for those
4062 applications pending as of July 1, 2011, which are governed by
4063 s. 380.115(2). Notwithstanding this requirement, pursuant to s.
4064 380.115(1), a previously approved solid mineral mine
4065 development-of-regional-impact development order continues to
4066 have vested rights and continues to be effective unless
4067 rescinded by the developer. All local government regulations of
4068 proposed solid mineral mines are applicable to any new solid
4069 mineral mine or to any proposed addition to, expansion of, or
4070 change to an existing solid mineral mine.

4071 (u) Notwithstanding any provision in an agreement with or
4072 among a local government, regional agency, or the state land
4073 planning agency or in a local government's comprehensive plan to
4074 the contrary, a project no longer subject to development-of-
4075 regional-impact review under the revised thresholds specified in



4076 s. 380.06(2)(b) and this section.

4077 (v) Any development within a county that has a research
4078 and education authority created by special act and which is also
4079 within a research and development park that is operated or
4080 managed by a research and development authority pursuant to part
4081 V of chapter 159.

4082 (w) Any development in an energy economic zone designated
4083 pursuant to s. 377.809 upon approval by its local governing
4084 body.

4085
4086 If a use is exempt from review pursuant to paragraphs (a)-(u),
4087 but will be part of a larger project that is subject to review
4088 pursuant to s. 380.06(12), the impact of the exempt use must be
4089 included in the review of the larger project, unless such exempt
4090 use involves a development that includes a landowner, tenant, or
4091 user that has entered into a funding agreement with the state
4092 land planning agency under the Innovation Incentive Program and
4093 the agreement contemplates a state award of at least \$50
4094 million.

4095 (3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

4096 (a) The following are exempt from the requirements of s.
4097 380.06:

4098 1. Any proposed development in a municipality having an
4099 average of at least 1,000 people per square mile of land area
4100 and a minimum total population of at least 5,000;



4101 2. Any proposed development within a county, including the
4102 municipalities located therein, having an average of at least
4103 1,000 people per square mile of land area and the development is
4104 located within an urban service area as defined in s. 163.3164
4105 which has been adopted into the comprehensive plan as defined in
4106 s. 163.3164;

4107 3. Any proposed development within a county, including the
4108 municipalities located therein, having a population of at least
4109 900,000 and an average of at least 1,000 people per square mile
4110 of land area, but which does not have an urban service area
4111 designated in the comprehensive plan; and

4112 4. Any proposed development within a county, including the
4113 municipalities located therein, having a population of at least
4114 1 million and the development is located within an urban service
4115 area as defined in s. 163.3164 which has been adopted into the
4116 comprehensive plan.

4117
4118 The Office of Economic and Demographic Research within the
4119 Legislature shall annually calculate the population and density
4120 criteria needed to determine which jurisdictions meet the
4121 density criteria in subparagraphs 1.-4. by using the most recent
4122 land area data from the decennial census conducted by the Bureau
4123 of the Census of the United States Department of Commerce and
4124 the latest available population estimates determined pursuant to
4125 s. 186.901. If any local government has had an annexation,



4126 contraction, or new incorporation, the Office of Economic and
4127 Demographic Research shall determine the population density
4128 using the new jurisdictional boundaries as recorded in
4129 accordance with s. 171.091. The Office of Economic and
4130 Demographic Research shall annually submit to the state land
4131 planning agency by July 1 a list of jurisdictions that meet the
4132 total population and density criteria. The state land planning
4133 agency shall publish the list of jurisdictions on its website
4134 within 7 days after the list is received. The designation of
4135 jurisdictions that meet the criteria of subparagraphs 1.-4. is
4136 effective upon publication on the state land planning agency's
4137 website. If a municipality that has previously met the criteria
4138 no longer meets the criteria, the state land planning agency
4139 must maintain the municipality on the list and indicate the year
4140 the jurisdiction last met the criteria. However, any proposed
4141 development of regional impact not within the established
4142 boundaries of a municipality at the time the municipality last
4143 met the criteria must meet the requirements of this section
4144 until the municipality as a whole meets the criteria. Any county
4145 that meets the criteria must remain on the list. Any
4146 jurisdiction that was placed on the dense urban land area list
4147 before June 2, 2011, must remain on the list.

4148 (b) If a municipality that does not qualify as a dense
4149 urban land area pursuant to paragraph (a) designates any of the
4150 following areas in its comprehensive plan, any proposed



4151 development within the designated area is exempt from s. 380.06
4152 unless otherwise required by part II of chapter 163:

- 4153 1. Urban infill as defined in s. 163.3164;
4154 2. Community redevelopment areas as defined in s. 163.340;
4155 3. Downtown revitalization areas as defined in s.
4156 163.3164;
4157 4. Urban infill and redevelopment under s. 163.2517; or
4158 5. Urban service areas as defined in s. 163.3164 or areas
4159 within a designated urban service area boundary pursuant to s.
4160 163.3177(14), Florida Statutes 2010.

4161 (c) If a county that does not qualify as a dense urban
4162 land area designates any of the following areas in its
4163 comprehensive plan, any proposed development within the
4164 designated area is exempt from the development-of-regional-
4165 impact process:

- 4166 1. Urban infill as defined in s. 163.3164;
4167 2. Urban infill and redevelopment pursuant to s. 163.2517;
4168 or
4169 3. Urban service areas as defined in s. 163.3164.

4170 (d) If any portion of the development is located in an
4171 area that is not exempt from review under s. 380.06, the
4172 development must undergo review pursuant to that section.

4173 (e) In an area that is exempt under paragraphs (a), (b),
4174 and (c), any previously approved development-of-regional-impact
4175 development orders shall continue to be effective. However, the



4176 developer has the option to be governed by s. 380.115(1).

4177 (f) If a local government qualifies as a dense urban land
4178 area under this subsection and is subsequently found to be
4179 ineligible for designation as a dense urban land area, any
4180 development located within that area which has a complete,
4181 pending application for authorization to commence development
4182 shall maintain the exemption if the developer is continuing the
4183 application process in good faith or the development is
4184 approved.

4185 (g) This subsection does not limit or modify the rights of
4186 any person to complete any development that has been authorized
4187 as a development of regional impact pursuant to this chapter.

4188 (h) This subsection does not apply to areas:

4189 1. Within the boundary of any area of critical state
4190 concern designated pursuant to s. 380.05;

4191 2. Within the boundary of the Wekiva Study Area as
4192 described in s. 369.316, unless a proposed development is
4193 located in a county or municipality that has implemented all of
4194 the following:

4195 a. One or more substantial alternative water supplies of
4196 not less than 5 million gallons per day that provide service
4197 within the Wekiva Study Area; and

4198 b. One of the following adopted plans, which must be
4199 consistent with the local comprehensive plan:

4200 (I) A specific area plan;



4201 (II) A sector plan pursuant to s. 163.3245; or
 4202 (III) A mobility plan pursuant to s. 163.3180; or
 4203 3. Within 2 miles of the boundary of the Everglades
 4204 Protection Area as defined in s. 373.4592.
 4205 (4) PARTIAL STATUTORY EXEMPTIONS.—
 4206 (a) If the binding agreement referenced under paragraph
 4207 (2)(l) for urban service boundaries is not entered into within
 4208 12 months after establishment of the urban service area
 4209 boundary, the review pursuant to s. 380.06(12) for projects
 4210 within the urban service area boundary must address
 4211 transportation impacts only.
 4212 (b) If the binding agreement referenced under paragraph
 4213 (2)(m) for rural land stewardship areas is not entered into
 4214 within 12 months after the designation of a rural land
 4215 stewardship area, the review pursuant to s. 380.06(12) for
 4216 projects within the rural land stewardship area must address
 4217 transportation impacts only.
 4218 (c) If the binding agreement for designated urban infill
 4219 and redevelopment areas is not entered into within 12 months
 4220 after the designation of the area or July 1, 2007, whichever
 4221 occurs later, the review pursuant to s. 380.06(12) for projects
 4222 within the urban infill and redevelopment area must address
 4223 transportation impacts only.
 4224 (d) A local government that does not wish to enter into a
 4225 binding agreement or that is unable to agree on the terms of the



4226 agreement referenced under paragraph (2)(1) or paragraph (2)(m)
4227 must provide written notification to the state land planning
4228 agency of the decision to not enter into a binding agreement or
4229 the failure to enter into a binding agreement within the 12-
4230 month period referenced in paragraphs (a), (b), and (c).

4231 Following the notification of the state land planning agency, a
4232 review pursuant to s. 380.06(12) for projects within an urban
4233 service area boundary under paragraph (2)(1), or a rural land
4234 stewardship area under paragraph (2)(m), must address
4235 transportation impacts only.

4236 (e) The vesting provision of s. 163.3167(5) relating to an
4237 authorized development of regional impact does not apply to
4238 those projects partially exempt from s. 380.06 under paragraphs
4239 (a)-(d) of this subsection.

4240 ~~(4) Two or more developments, represented by their owners~~
4241 ~~or developers to be separate developments, shall be aggregated~~
4242 ~~and treated as a single development under this chapter when they~~
4243 ~~are determined to be part of a unified plan of development and~~
4244 ~~are physically proximate to one other.~~

4245 ~~(a) The criteria of three of the following subparagraphs~~
4246 ~~must be met in order for the state land planning agency to~~
4247 ~~determine that there is a unified plan of development:~~

4248 ~~1.a. The same person has retained or shared control of the~~
4249 ~~developments;~~

4250 ~~b. The same person has ownership or a significant legal or~~



4251 ~~equitable interest in the developments; or~~
4252 ~~e. There is common management of the developments~~
4253 ~~controlling the form of physical development or disposition of~~
4254 ~~parcels of the development.~~
4255 ~~2. There is a reasonable closeness in time between the~~
4256 ~~completion of 80 percent or less of one development and the~~
4257 ~~submission to a governmental agency of a master plan or series~~
4258 ~~of plans or drawings for the other development which is~~
4259 ~~indicative of a common development effort.~~
4260 ~~3. A master plan or series of plans or drawings exists~~
4261 ~~covering the developments sought to be aggregated which have~~
4262 ~~been submitted to a local general-purpose government, water~~
4263 ~~management district, the Florida Department of Environmental~~
4264 ~~Protection, or the Division of Florida Condominiums, Timeshares,~~
4265 ~~and Mobile Homes for authorization to commence development. The~~
4266 ~~existence or implementation of a utility's master utility plan~~
4267 ~~required by the Public Service Commission or general-purpose~~
4268 ~~local government or a master drainage plan shall not be the sole~~
4269 ~~determinant of the existence of a master plan.~~
4270 ~~4. There is a common advertising scheme or promotional~~
4271 ~~plan in effect for the developments sought to be aggregated.~~
4272 ~~(b) The following activities or circumstances shall not be~~
4273 ~~considered in determining whether to aggregate two or more~~
4274 ~~developments:~~
4275 ~~1. Activities undertaken leading to the adoption or~~



4276 ~~amendment of any comprehensive plan element described in part II~~
4277 ~~of chapter 163.~~

4278 ~~2. The sale of unimproved parcels of land, where the~~
4279 ~~seller does not retain significant control of the future~~
4280 ~~development of the parcels.~~

4281 ~~3. The fact that the same lender has a financial interest,~~
4282 ~~including one acquired through foreclosure, in two or more~~
4283 ~~parcels, so long as the lender is not an active participant in~~
4284 ~~the planning, management, or development of the parcels in which~~
4285 ~~it has an interest.~~

4286 ~~4. Drainage improvements that are not designed to~~
4287 ~~accommodate the types of development listed in the guidelines~~
4288 ~~and standards contained in or adopted pursuant to this chapter~~
4289 ~~or which are not designed specifically to accommodate the~~
4290 ~~developments sought to be aggregated.~~

4291 ~~(c) Aggregation is not applicable when the following~~
4292 ~~circumstances and provisions of this chapter apply:~~

4293 ~~1. Developments that are otherwise subject to aggregation~~
4294 ~~with a development of regional impact which has received~~
4295 ~~approval through the issuance of a final development order may~~
4296 ~~not be aggregated with the approved development of regional~~
4297 ~~impact. However, this subparagraph does not preclude the state~~
4298 ~~land planning agency from evaluating an allegedly separate~~
4299 ~~development as a substantial deviation pursuant to s. 380.06(19)~~
4300 ~~or as an independent development of regional impact.~~



4301 ~~2. Two or more developments, each of which is~~
4302 ~~independently a development of regional impact that has or will~~
4303 ~~obtain a development order pursuant to s. 380.06.~~

4304 ~~3. Completion of any development that has been vested~~
4305 ~~pursuant to s. 380.05 or s. 380.06, including vested rights~~
4306 ~~arising out of agreements entered into with the state land~~
4307 ~~planning agency for purposes of resolving vested rights issues.~~
4308 ~~Development of regional impact review of additions to vested~~
4309 ~~developments of regional impact shall not include review of the~~
4310 ~~impacts resulting from the vested portions of the development.~~

4311 ~~4. The developments sought to be aggregated were~~
4312 ~~authorized to commence development before September 1, 1988, and~~
4313 ~~could not have been required to be aggregated under the law~~
4314 ~~existing before that date.~~

4315 ~~5. Any development that qualifies for an exemption under~~
4316 ~~s. 380.06(29).~~

4317 ~~6. Newly acquired lands intended for development in~~
4318 ~~coordination with a developed and existing development of~~
4319 ~~regional impact are not subject to aggregation if the newly~~
4320 ~~acquired lands comprise an area that is equal to or less than 10~~
4321 ~~percent of the total acreage subject to an existing development-~~
4322 ~~of-regional-impact development order.~~

4323 ~~(d) The provisions of this subsection shall be applied~~
4324 ~~prospectively from September 1, 1988. Written decisions,~~
4325 ~~agreements, and binding letters of interpretation made or issued~~



4326 ~~by the state land planning agency prior to July 1, 1988, shall~~
4327 ~~not be affected by this subsection.~~

4328 ~~(c) In order to encourage developers to design, finance,~~
4329 ~~donate, or build infrastructure, public facilities, or services,~~
4330 ~~the state land planning agency may enter into binding agreements~~
4331 ~~with two or more developers providing that the joint planning,~~
4332 ~~sharing, or use of specified public infrastructure, facilities,~~
4333 ~~or services by the developers shall not be considered in any~~
4334 ~~subsequent determination of whether a unified plan of~~
4335 ~~development exists for their developments. Such binding~~
4336 ~~agreements may authorize the developers to pool impact fees or~~
4337 ~~impact fee credits, or to enter into front-end agreements, or~~
4338 ~~other financing arrangements by which they collectively agree to~~
4339 ~~design, finance, donate, or build such public infrastructure,~~
4340 ~~facilities, or services. Such agreements shall be conditioned~~
4341 ~~upon a subsequent determination by the appropriate local~~
4342 ~~government of consistency with the approved local government~~
4343 ~~comprehensive plan and land development regulations.~~
4344 ~~Additionally, the developers must demonstrate that the provision~~
4345 ~~and sharing of public infrastructure, facilities, or services is~~
4346 ~~in the public interest and not merely for the benefit of the~~
4347 ~~developments which are the subject of the agreement.~~
4348 ~~Developments that are the subject of an agreement pursuant to~~
4349 ~~this paragraph shall be aggregated if the state land planning~~
4350 ~~agency determines that sufficient aggregation factors are~~



4351 ~~present to require aggregation without considering the design~~
4352 ~~features, financial arrangements, donations, or construction~~
4353 ~~that are specified in and required by the agreement.~~

4354 ~~(f) The state land planning agency has authority to adopt~~
4355 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~
4356 ~~provisions of this subsection.~~

4357 Section 19. Section 380.07, Florida Statutes, is amended
4358 to read:

4359 380.07 Florida Land and Water Adjudicatory Commission.—

4360 (1) There is hereby created the Florida Land and Water
4361 Adjudicatory Commission, which shall consist of the
4362 Administration Commission. The commission may adopt rules
4363 necessary to ensure compliance with the area of critical state
4364 concern program ~~and the requirements for developments of~~
4365 ~~regional impact as set forth in this chapter.~~

4366 (2) Whenever any local government issues any development
4367 order in any area of critical state concern, or in regard to the
4368 abandonment of any approved development of regional impact,
4369 copies of such orders as prescribed by rule by the state land
4370 planning agency shall be transmitted to the state land planning
4371 agency, the regional planning agency, and the owner or developer
4372 of the property affected by such order. The state land planning
4373 agency shall adopt rules describing development order rendition
4374 and effectiveness in designated areas of critical state concern.
4375 Within 45 days after the order is rendered, the owner, the



4376 developer, or the state land planning agency may appeal the
4377 order to the Florida Land and Water Adjudicatory Commission by
4378 filing a petition alleging that the development order is not
4379 consistent with ~~the provisions of this part. The appropriate~~
4380 ~~regional planning agency by vote at a regularly scheduled~~
4381 ~~meeting may recommend that the state land planning agency~~
4382 ~~undertake an appeal of a development of regional impact~~
4383 ~~development order. Upon the request of an appropriate regional~~
4384 ~~planning council, affected local government, or any citizen, the~~
4385 ~~state land planning agency shall consider whether to appeal the~~
4386 ~~order and shall respond to the request within the 45-day appeal~~
4387 ~~period.~~

4388 (3) Notwithstanding any other provision of law, an appeal
4389 of a development order in an area of critical state concern by
4390 the state land planning agency under this section may include
4391 consistency of the development order with the local
4392 comprehensive plan. ~~However, if a development order relating to~~
4393 ~~a development of regional impact has been challenged in a~~
4394 ~~proceeding under s. 163.3215 and a party to the proceeding~~
4395 ~~serves notice to the state land planning agency of the pending~~
4396 ~~proceeding under s. 163.3215, the state land planning agency~~
4397 ~~shall:~~

4398 ~~(a) Raise its consistency issues by intervening as a full~~
4399 ~~party in the pending proceeding under s. 163.3215 within 30 days~~
4400 ~~after service of the notice; and~~



4401 ~~(b) Dismiss the consistency issues from the development~~
 4402 ~~order appeal.~~

4403 (4) ~~The appellant shall furnish a copy of the petition to~~
 4404 ~~the opposing party, as the case may be, and to the local~~
 4405 ~~government that issued the order. The filing of the petition~~
 4406 ~~stays the effectiveness of the order until after the completion~~
 4407 ~~of the appeal process.~~

4408 ~~(5) The 45-day appeal period for a development of regional~~
 4409 ~~impact within the jurisdiction of more than one local government~~
 4410 ~~shall not commence until after all the local governments having~~
 4411 ~~jurisdiction over the proposed development of regional impact~~
 4412 ~~have rendered their development orders. The appellant shall~~
 4413 furnish a copy of the notice of appeal to the opposing party, as
 4414 the case may be, and to the local government that ~~which~~ issued
 4415 the order. The filing of the notice of appeal stays ~~shall stay~~
 4416 the effectiveness of the order until after the completion of the
 4417 appeal process.

4418 ~~(5)(6)~~ Before ~~Prior to~~ issuing an order, the Florida Land
 4419 and Water Adjudicatory Commission shall hold a hearing pursuant
 4420 to ~~the provisions of~~ chapter 120. The commission shall encourage
 4421 the submission of appeals on the record made pursuant to
 4422 subsection (7) ~~below~~ in cases in which the development order was
 4423 issued after a full and complete hearing before the local
 4424 government or an agency thereof.

4425 ~~(6)(7)~~ The Florida Land and Water Adjudicatory Commission



4426 shall issue a decision granting or denying permission to develop
4427 pursuant to the standards of this chapter and may attach
4428 conditions and restrictions to its decisions.

4429 (7)~~(8)~~ If an appeal is filed with respect to any issues
4430 within the scope of a permitting program authorized by chapter
4431 161, chapter 373, or chapter 403 and for which a permit or
4432 conceptual review approval has been obtained before ~~prior to~~ the
4433 issuance of a development order, any such issue shall be
4434 specifically identified in the notice of appeal which is filed
4435 pursuant to this section, together with other issues that ~~which~~
4436 constitute grounds for the appeal. The appeal may proceed with
4437 respect to issues within the scope of permitting programs for
4438 which a permit or conceptual review approval has been obtained
4439 before ~~prior to~~ the issuance of a development order only after
4440 the commission determines by majority vote at a regularly
4441 scheduled commission meeting that statewide or regional
4442 interests may be adversely affected by the development. In
4443 making this determination, there is ~~shall be~~ a rebuttable
4444 presumption that statewide and regional interests relating to
4445 issues within the scope of the permitting programs for which a
4446 permit or conceptual approval has been obtained are not
4447 adversely affected.

4448 Section 20. Section 380.115, Florida Statutes, is amended
4449 to read:

4450 380.115 Vested rights and duties; effect of size



4451 reduction, changes in statewide guidelines and standards.-

4452 ~~(1) A change in a development-of-regional-impact guideline~~
4453 ~~and standard does not abridge or modify any vested or other~~
4454 ~~right or any duty or obligation pursuant to any development~~
4455 ~~order or agreement that is applicable to a development of~~
4456 ~~regional impact.~~ A development that has received a development-
4457 of-regional-impact development order pursuant to s. 380.06 but
4458 is no longer required to undergo development-of-regional-impact
4459 review by operation of law may elect ~~a change in the guidelines~~
4460 ~~and standards, a development that has reduced its size below the~~
4461 ~~thresholds as specified in s. 380.0651, a development that is~~
4462 ~~exempt pursuant to s. 380.06(24) or (29), or a development that~~
4463 ~~elects to rescind the development order pursuant to~~ are governed
4464 by the following procedures:

4465 (1)(a) The development shall continue to be governed by
4466 the development-of-regional-impact development order and may be
4467 completed in reliance upon and pursuant to the development order
4468 unless the developer or landowner has followed the procedures
4469 for rescission in subsection (2) ~~paragraph (b)~~. Any proposed
4470 changes to developments which continue to be governed by a
4471 development-of-regional-impact development order must be
4472 approved pursuant to s. 380.06(7) ~~s. 380.06(19)~~ as it existed
4473 ~~before a change in the development-of-regional-impact guidelines~~
4474 ~~and standards, except that all percentage criteria are doubled~~
4475 ~~and all other criteria are increased by 10 percent.~~ The local



4476 government issuing the development order must monitor the
4477 development and enforce the development order. Local governments
4478 may not issue any permits or approvals or provide any extensions
4479 of services if the developer fails to act in substantial
4480 compliance with the development order. The development-of-
4481 regional-impact development order may be enforced ~~by the local~~
4482 ~~government~~ as provided in s. 380.11 ~~ss. 380.06(17) and 380.11.~~

4483 (2)(b) If requested by the developer or landowner, the
4484 development-of-regional-impact development order shall be
4485 rescinded by the local government having jurisdiction upon a
4486 showing that all required mitigation related to the amount of
4487 development that existed on the date of rescission has been
4488 completed or will be completed under an existing permit or
4489 equivalent authorization issued by a governmental agency as
4490 defined in s. 380.031(6), if such permit or authorization is
4491 subject to enforcement through administrative or judicial
4492 remedies.

4493 ~~(2) A development with an application for development~~
4494 ~~approval pending, pursuant to s. 380.06, on the effective date~~
4495 ~~of a change to the guidelines and standards, or a notification~~
4496 ~~of proposed change pending on the effective date of a change to~~
4497 ~~the guidelines and standards, may elect to continue such review~~
4498 ~~pursuant to s. 380.06. At the conclusion of the pending review,~~
4499 ~~including any appeals pursuant to s. 380.07, the resulting~~
4500 ~~development order shall be governed by the provisions of~~



4501 ~~subsection (1).~~

4502 ~~(3) A landowner that has filed an application for a~~
 4503 ~~development of regional impact review prior to the adoption of a~~
 4504 ~~sector plan pursuant to s. 163.3245 may elect to have the~~
 4505 ~~application reviewed pursuant to s. 380.06, comprehensive plan~~
 4506 ~~provisions in force prior to adoption of the sector plan, and~~
 4507 ~~any requested comprehensive plan amendments that accompany the~~
 4508 ~~application.~~

4509 Section 21. Paragraph (c) of subsection (1) of section
 4510 125.68, Florida Statutes, is amended to read:

4511 125.68 Codification of ordinances; exceptions; public
 4512 record.—

4513 (1)

4514 (c) The following ordinances are exempt from codification
 4515 and annual publication requirements:

4516 1. Any development agreement, or amendment to such
 4517 agreement, adopted by ordinance pursuant to ss. 163.3220-
 4518 163.3243.

4519 2. Any development order, or amendment to such order,
 4520 adopted by ordinance pursuant to s. 380.06(4) ~~s. 380.06(15)~~.

4521 Section 22. Paragraph (e) of subsection (3), subsection
 4522 (6), and subsection (12) of section 163.3245, Florida Statutes,
 4523 are amended to read:

4524 163.3245 Sector plans.—

4525 (3) Sector planning encompasses two levels: adoption



4526 | pursuant to s. 163.3184 of a long-term master plan for the
4527 | entire planning area as part of the comprehensive plan, and
4528 | adoption by local development order of two or more detailed
4529 | specific area plans that implement the long-term master plan and
4530 | within which s. 380.06 is waived.

4531 | (e) Whenever a local government issues a development order
4532 | approving a detailed specific area plan, a copy of such order
4533 | shall be rendered to the state land planning agency and the
4534 | owner or developer of the property affected by such order, as
4535 | prescribed by rules of the state land planning agency for a
4536 | development order for a development of regional impact. Within
4537 | 45 days after the order is rendered, the owner, the developer,
4538 | or the state land planning agency may appeal the order to the
4539 | Florida Land and Water Adjudicatory Commission by filing a
4540 | petition alleging that the detailed specific area plan is not
4541 | consistent with the comprehensive plan or with the long-term
4542 | master plan adopted pursuant to this section. The appellant
4543 | shall furnish a copy of the petition to the opposing party, as
4544 | the case may be, and to the local government that issued the
4545 | order. The filing of the petition stays the effectiveness of the
4546 | order until after completion of the appeal process. However, if
4547 | a development order approving a detailed specific area plan has
4548 | been challenged by an aggrieved or adversely affected party in a
4549 | judicial proceeding pursuant to s. 163.3215, and a party to such
4550 | proceeding serves notice to the state land planning agency, the



4551 state land planning agency shall dismiss its appeal to the
4552 commission and shall have the right to intervene in the pending
4553 judicial proceeding pursuant to s. 163.3215. Proceedings for
4554 administrative review of an order approving a detailed specific
4555 area plan shall be conducted consistent with s. 380.07(5) ~~s.~~
4556 ~~380.07(6)~~. The commission shall issue a decision granting or
4557 denying permission to develop pursuant to the long-term master
4558 plan and the standards of this part and may attach conditions or
4559 restrictions to its decisions.

4560 (6) An applicant who applied ~~Concurrent with or subsequent~~
4561 ~~to review and adoption of a long-term master plan pursuant to~~
4562 ~~paragraph (3)(a), an applicant may apply for master development~~
4563 approval pursuant to s. 380.06 ~~s. 380.06(21)~~ for the entire
4564 planning area shall remain subject to the master development
4565 order in order to establish a buildout date until which the
4566 ~~approved uses and densities and intensities of use of the master~~
4567 ~~plan are not subject to downzoning, unit density reduction, or~~
4568 ~~intensity reduction, unless the developer elects to rescind the~~
4569 development order pursuant to s. 380.115, the development order
4570 is abandoned pursuant to s. 380.06(11), or the local government
4571 can demonstrate that implementation of the master plan is not
4572 continuing in good faith based on standards established by plan
4573 policy, that substantial changes in the conditions underlying
4574 the approval of the master plan have occurred, that the master
4575 plan was based on substantially inaccurate information provided



4576 by the applicant, or that change is clearly established to be
4577 essential to the public health, safety, or welfare. ~~Review of~~
4578 ~~the application for master development approval shall be at a~~
4579 ~~level of detail appropriate for the long-term and conceptual~~
4580 ~~nature of the long-term master plan and, to the maximum extent~~
4581 ~~possible, may only consider information provided in the~~
4582 ~~application for a long-term master plan.~~ Notwithstanding s.
4583 380.06, an increment of development in such an approved master
4584 development plan must be approved by a detailed specific area
4585 plan pursuant to paragraph (3) (b) and is exempt from review
4586 pursuant to s. 380.06.

4587 (12) Notwithstanding s. 380.06, this part, or any planning
4588 agreement or plan policy, a landowner or developer who has
4589 received approval of a master development-of-regional-impact
4590 development order pursuant to s. 380.06(9) ~~s. 380.06(21)~~ may
4591 apply to implement this order by filing one or more applications
4592 to approve a detailed specific area plan pursuant to paragraph
4593 (3) (b).

4594 Section 23. Subsections (11), (12), and (14) of section
4595 163.3246, Florida Statutes, are amended to read:

4596 163.3246 Local government comprehensive planning
4597 certification program.—

4598 (11) If the local government of an area described in
4599 subsection (10) does not request that the state land planning
4600 agency review the developments of regional impact that are



4601 proposed within the certified area, an application for approval
4602 of a development order within the certified area is ~~shall be~~
4603 exempt from ~~review under~~ s. 380.06.

4604 (12) A local government's certification shall be reviewed
4605 by the local government and the state land planning agency as
4606 part of the evaluation and appraisal process pursuant to s.
4607 163.3191. Within 1 year after the deadline for the local
4608 government to update its comprehensive plan based on the
4609 evaluation and appraisal, the state land planning agency must
4610 ~~shall~~ renew or revoke the certification. The local government's
4611 failure to timely adopt necessary amendments to update its
4612 comprehensive plan based on an evaluation and appraisal, which
4613 are found to be in compliance by the state land planning agency,
4614 is ~~shall be~~ cause for revoking the certification agreement. The
4615 state land planning agency's decision to renew or revoke is
4616 ~~shall be considered~~ agency action subject to challenge under s.
4617 120.569.

4618 (14) It is the intent of the Legislature to encourage the
4619 creation of connected-city corridors that facilitate the growth
4620 of high-technology industry and innovation through partnerships
4621 that support research, marketing, workforce, and
4622 entrepreneurship. It is the further intent of the Legislature to
4623 provide for a locally controlled, comprehensive plan amendment
4624 process for such projects that are designed to achieve a
4625 cleaner, healthier environment; limit urban sprawl by promoting



4626 | diverse but interconnected communities; provide a range of
4627 | intergenerational housing types; protect wildlife and natural
4628 | areas; assure the efficient use of land and other resources;
4629 | create quality communities of a design that promotes alternative
4630 | transportation networks and travel by multiple transportation
4631 | modes; and enhance the prospects for the creation of jobs. The
4632 | Legislature finds and declares that this state's connected-city
4633 | corridors require a reduced level of state and regional
4634 | oversight because of their high degree of urbanization and the
4635 | planning capabilities and resources of the local government.

4636 | (a) Notwithstanding subsections (2), (4), (5), (6), and
4637 | (7), Pasco County is named a pilot community and shall be
4638 | considered certified for a period of 10 years for connected-city
4639 | corridor plan amendments. The state land planning agency shall
4640 | provide a written notice of certification to Pasco County by
4641 | July 15, 2015, which shall be considered a final agency action
4642 | subject to challenge under s. 120.569. The notice of
4643 | certification must include:

4644 | 1. The boundary of the connected-city corridor
4645 | certification area; and

4646 | 2. A requirement that Pasco County submit an annual or
4647 | biennial monitoring report to the state land planning agency
4648 | according to the schedule provided in the written notice. The
4649 | monitoring report must, at a minimum, include the number of
4650 | amendments to the comprehensive plan adopted by Pasco County,



4651 the number of plan amendments challenged by an affected person,
4652 and the disposition of such challenges.

4653 (b) A plan amendment adopted under this subsection may be
4654 based upon a planning period longer than the generally
4655 applicable planning period of the Pasco County local
4656 comprehensive plan, must specify the projected population within
4657 the planning area during the chosen planning period, may include
4658 a phasing or staging schedule that allocates a portion of Pasco
4659 County's future growth to the planning area through the planning
4660 period, and may designate a priority zone or subarea within the
4661 connected-city corridor for initial implementation of the plan.
4662 A plan amendment adopted under this subsection is not required
4663 to demonstrate need based upon projected population growth or on
4664 any other basis.

4665 (c) If Pasco County adopts a long-term transportation
4666 network plan and financial feasibility plan, and subject to
4667 compliance with the requirements of such a plan, the projects
4668 within the connected-city corridor are deemed to have satisfied
4669 all concurrency and other state agency or local government
4670 transportation mitigation requirements except for site-specific
4671 access management requirements.

4672 (d) If Pasco County does not request that the state land
4673 planning agency review the developments of regional impact that
4674 are proposed within the certified area, an application for
4675 approval of a development order within the certified area is



4676 exempt from ~~review under~~ s. 380.06.

4677 (e) The Office of Program Policy Analysis and Government
4678 Accountability (OPPAGA) shall submit to the Governor, the
4679 President of the Senate, and the Speaker of the House of
4680 Representatives by December 1, 2024, a report and
4681 recommendations for implementing a statewide program that
4682 addresses the legislative findings in this subsection. In
4683 consultation with the state land planning agency, OPPAGA shall
4684 develop the report and recommendations with input from other
4685 state and regional agencies, local governments, and interest
4686 groups. OPPAGA shall also solicit citizen input in the
4687 potentially affected areas and consult with the affected local
4688 government and stakeholder groups. Additionally, OPPAGA shall
4689 review local and state actions and correspondence relating to
4690 the pilot program to identify issues of process and substance in
4691 recommending changes to the pilot program. At a minimum, the
4692 report and recommendations must include:

4693 1. Identification of local governments other than the
4694 local government participating in the pilot program which should
4695 be certified. The report may also recommend that a local
4696 government is no longer appropriate for certification; and

4697 2. Changes to the certification pilot program.

4698 Section 24. Subsection (4) of section 189.08, Florida
4699 Statutes, is amended to read:

4700 189.08 Special district public facilities report.—



4701 (4) Those special districts building, improving, or
4702 expanding public facilities addressed by a development order
4703 issued to the developer pursuant to s. 380.06 may use the most
4704 recent local government annual report required by s. 380.06(6)
4705 ~~s. 380.06(15) and (18)~~ and submitted by the developer, to the
4706 extent the annual report provides the information required by
4707 subsection (2).

4708 Section 25. Subsection (2) of section 190.005, Florida
4709 Statutes, is amended to read:

4710 190.005 Establishment of district.—

4711 (2) The exclusive and uniform method for the establishment
4712 of a community development district of less than 2,500 acres in
4713 size or a community development district of up to 7,000 acres in
4714 size located within a connected-city corridor established
4715 pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~ shall be pursuant to
4716 an ordinance adopted by the county commission of the county
4717 having jurisdiction over the majority of land in the area in
4718 which the district is to be located granting a petition for the
4719 establishment of a community development district as follows:

4720 (a) A petition for the establishment of a community
4721 development district shall be filed by the petitioner with the
4722 county commission. The petition shall contain the same
4723 information as required in paragraph (1)(a).

4724 (b) A public hearing on the petition shall be conducted by
4725 the county commission in accordance with the requirements and



4726 | procedures of paragraph (1) (d) .

4727 | (c) The county commission shall consider the record of the
4728 | public hearing and the factors set forth in paragraph (1) (e) in
4729 | making its determination to grant or deny a petition for the
4730 | establishment of a community development district.

4731 | (d) The county commission may ~~shall~~ not adopt any
4732 | ordinance which would expand, modify, or delete any provision of
4733 | the uniform community development district charter as set forth
4734 | in ss. 190.006-190.041. An ordinance establishing a community
4735 | development district shall only include the matters provided for
4736 | in paragraph (1) (f) unless the commission consents to any of the
4737 | optional powers under s. 190.012(2) at the request of the
4738 | petitioner.

4739 | (e) If all of the land in the area for the proposed
4740 | district is within the territorial jurisdiction of a municipal
4741 | corporation, then the petition requesting establishment of a
4742 | community development district under this act shall be filed by
4743 | the petitioner with that particular municipal corporation. In
4744 | such event, the duties of the county, hereinabove described, in
4745 | action upon the petition shall be the duties of the municipal
4746 | corporation. If any of the land area of a proposed district is
4747 | within the land area of a municipality, the county commission
4748 | may not create the district without municipal approval. If all
4749 | of the land in the area for the proposed district, even if less
4750 | than 2,500 acres, is within the territorial jurisdiction of two



4751 or more municipalities or two or more counties, except for
4752 proposed districts within a connected-city corridor established
4753 pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~, the petition shall
4754 be filed with the Florida Land and Water Adjudicatory Commission
4755 and proceed in accordance with subsection (1).

4756 (f) Notwithstanding any other provision of this
4757 subsection, within 90 days after a petition for the
4758 establishment of a community development district has been filed
4759 pursuant to this subsection, the governing body of the county or
4760 municipal corporation may transfer the petition to the Florida
4761 Land and Water Adjudicatory Commission, which shall make the
4762 determination to grant or deny the petition as provided in
4763 subsection (1). A county or municipal corporation shall have no
4764 right or power to grant or deny a petition that has been
4765 transferred to the Florida Land and Water Adjudicatory
4766 Commission.

4767 Section 26. Paragraph (g) of subsection (1) of section
4768 190.012, Florida Statutes, is amended to read:

4769 190.012 Special powers; public improvements and community
4770 facilities.—The district shall have, and the board may exercise,
4771 subject to the regulatory jurisdiction and permitting authority
4772 of all applicable governmental bodies, agencies, and special
4773 districts having authority with respect to any area included
4774 therein, any or all of the following special powers relating to
4775 public improvements and community facilities authorized by this



4776 act:

4777 (1) To finance, fund, plan, establish, acquire, construct
4778 or reconstruct, enlarge or extend, equip, operate, and maintain
4779 systems, facilities, and basic infrastructures for the
4780 following:

4781 (g) Any other project within or without the boundaries of
4782 a district when a local government issued a development order
4783 pursuant to s. 380.06 ~~or s. 380.061~~ approving or expressly
4784 requiring the construction or funding of the project by the
4785 district, or when the project is the subject of an agreement
4786 between the district and a governmental entity and is consistent
4787 with the local government comprehensive plan of the local
4788 government within which the project is to be located.

4789 Section 27. Paragraph (d) of subsection (2) of section
4790 212.055, Florida Statutes, is amended to read:

4791 212.055 Discretionary sales surtaxes; legislative intent;
4792 authorization and use of proceeds.—It is the legislative intent
4793 that any authorization for imposition of a discretionary sales
4794 surtax shall be published in the Florida Statutes as a
4795 subsection of this section, irrespective of the duration of the
4796 levy. Each enactment shall specify the types of counties
4797 authorized to levy; the rate or rates which may be imposed; the
4798 maximum length of time the surtax may be imposed, if any; the
4799 procedure which must be followed to secure voter approval, if
4800 required; the purpose for which the proceeds may be expended;



4801 and such other requirements as the Legislature may provide.
4802 Taxable transactions and administrative procedures shall be as
4803 provided in s. 212.054.

4804 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

4805 (d) The proceeds of the surtax authorized by this
4806 subsection and any accrued interest shall be expended by the
4807 school district, within the county and municipalities within the
4808 county, or, in the case of a negotiated joint county agreement,
4809 within another county, to finance, plan, and construct
4810 infrastructure; to acquire any interest in land for public
4811 recreation, conservation, or protection of natural resources or
4812 to prevent or satisfy private property rights claims resulting
4813 from limitations imposed by the designation of an area of
4814 critical state concern; to provide loans, grants, or rebates to
4815 residential or commercial property owners who make energy
4816 efficiency improvements to their residential or commercial
4817 property, if a local government ordinance authorizing such use
4818 is approved by referendum; or to finance the closure of county-
4819 owned or municipally owned solid waste landfills that have been
4820 closed or are required to be closed by order of the Department
4821 of Environmental Protection. Any use of the proceeds or interest
4822 for purposes of landfill closure before July 1, 1993, is
4823 ratified. The proceeds and any interest may not be used for the
4824 operational expenses of infrastructure, except that a county
4825 that has a population of fewer than 75,000 and that is required



4826 | to close a landfill may use the proceeds or interest for long-
4827 | term maintenance costs associated with landfill closure.
4828 | Counties, as defined in s. 125.011, and charter counties may, in
4829 | addition, use the proceeds or interest to retire or service
4830 | indebtedness incurred for bonds issued before July 1, 1987, for
4831 | infrastructure purposes, and for bonds subsequently issued to
4832 | refund such bonds. Any use of the proceeds or interest for
4833 | purposes of retiring or servicing indebtedness incurred for
4834 | refunding bonds before July 1, 1999, is ratified.

4835 | 1. For the purposes of this paragraph, the term
4836 | "infrastructure" means:

4837 | a. Any fixed capital expenditure or fixed capital outlay
4838 | associated with the construction, reconstruction, or improvement
4839 | of public facilities that have a life expectancy of 5 or more
4840 | years, any related land acquisition, land improvement, design,
4841 | and engineering costs, and all other professional and related
4842 | costs required to bring the public facilities into service. For
4843 | purposes of this sub-subparagraph, the term "public facilities"
4844 | means facilities as defined in s. 163.3164(39) ~~s. 163.3164(38)~~,
4845 | s. 163.3221(13), or s. 189.012(5), regardless of whether the
4846 | facilities are owned by the local taxing authority or another
4847 | governmental entity.

4848 | b. A fire department vehicle, an emergency medical service
4849 | vehicle, a sheriff's office vehicle, a police department
4850 | vehicle, or any other vehicle, and the equipment necessary to



4851 outfit the vehicle for its official use or equipment that has a
4852 life expectancy of at least 5 years.

4853 c. Any expenditure for the construction, lease, or
4854 maintenance of, or provision of utilities or security for,
4855 facilities, as defined in s. 29.008.

4856 d. Any fixed capital expenditure or fixed capital outlay
4857 associated with the improvement of private facilities that have
4858 a life expectancy of 5 or more years and that the owner agrees
4859 to make available for use on a temporary basis as needed by a
4860 local government as a public emergency shelter or a staging area
4861 for emergency response equipment during an emergency officially
4862 declared by the state or by the local government under s.
4863 252.38. Such improvements are limited to those necessary to
4864 comply with current standards for public emergency evacuation
4865 shelters. The owner must enter into a written contract with the
4866 local government providing the improvement funding to make the
4867 private facility available to the public for purposes of
4868 emergency shelter at no cost to the local government for a
4869 minimum of 10 years after completion of the improvement, with
4870 the provision that the obligation will transfer to any
4871 subsequent owner until the end of the minimum period.

4872 e. Any land acquisition expenditure for a residential
4873 housing project in which at least 30 percent of the units are
4874 affordable to individuals or families whose total annual
4875 household income does not exceed 120 percent of the area median



4876 income adjusted for household size, if the land is owned by a
4877 local government or by a special district that enters into a
4878 written agreement with the local government to provide such
4879 housing. The local government or special district may enter into
4880 a ground lease with a public or private person or entity for
4881 nominal or other consideration for the construction of the
4882 residential housing project on land acquired pursuant to this
4883 sub-subparagraph.

4884 2. For the purposes of this paragraph, the term "energy
4885 efficiency improvement" means any energy conservation and
4886 efficiency improvement that reduces consumption through
4887 conservation or a more efficient use of electricity, natural
4888 gas, propane, or other forms of energy on the property,
4889 including, but not limited to, air sealing; installation of
4890 insulation; installation of energy-efficient heating, cooling,
4891 or ventilation systems; installation of solar panels; building
4892 modifications to increase the use of daylight or shade;
4893 replacement of windows; installation of energy controls or
4894 energy recovery systems; installation of electric vehicle
4895 charging equipment; installation of systems for natural gas fuel
4896 as defined in s. 206.9951; and installation of efficient
4897 lighting equipment.

4898 3. Notwithstanding any other provision of this subsection,
4899 a local government infrastructure surtax imposed or extended
4900 after July 1, 1998, may allocate up to 15 percent of the surtax



4901 | proceeds for deposit into a trust fund within the county's
 4902 | accounts created for the purpose of funding economic development
 4903 | projects having a general public purpose of improving local
 4904 | economies, including the funding of operational costs and
 4905 | incentives related to economic development. The ballot statement
 4906 | must indicate the intention to make an allocation under the
 4907 | authority of this subparagraph.

4908 | Section 28. Paragraph (a) of subsection (1) of section
 4909 | 252.363, Florida Statutes, is amended to read:

4910 | 252.363 Tolling and extension of permits and other
 4911 | authorizations.—

4912 | (1) (a) The declaration of a state of emergency by the
 4913 | Governor tolls the period remaining to exercise the rights under
 4914 | a permit or other authorization for the duration of the
 4915 | emergency declaration. Further, the emergency declaration
 4916 | extends the period remaining to exercise the rights under a
 4917 | permit or other authorization for 6 months in addition to the
 4918 | tolled period. This paragraph applies to the following:

4919 | 1. The expiration of a development order issued by a local
 4920 | government.

4921 | 2. The expiration of a building permit.

4922 | 3. The expiration of a permit issued by the Department of
 4923 | Environmental Protection or a water management district pursuant
 4924 | to part IV of chapter 373.

4925 | 4. The buildout date of a development of regional impact,



4926 including any extension of a buildout date that was previously
4927 granted as specified in s. 380.06(7)(c) ~~pursuant to s.~~
4928 ~~380.06(19)(c)~~.

4929 Section 29. Subsection (4) of section 369.303, Florida
4930 Statutes, is amended to read:

4931 369.303 Definitions.—As used in this part:

4932 (4) "Development of regional impact" means a development
4933 that ~~which~~ is subject to ~~the review procedures established by s.~~
4934 ~~380.06 or s. 380.065, and s. 380.07.~~

4935 Section 30. Subsection (1) of section 369.307, Florida
4936 Statutes, is amended to read:

4937 369.307 Developments of regional impact in the Wekiva
4938 River Protection Area; land acquisition.—

4939 (1) Notwithstanding s. 380.06(4) ~~the provisions of s.~~
4940 ~~380.06(15)~~, the counties shall consider and issue the
4941 development permits applicable to a proposed development of
4942 regional impact which is located partially or wholly within the
4943 Wekiva River Protection Area at the same time as the development
4944 order approving, approving with conditions, or denying a
4945 development of regional impact.

4946 Section 31. Subsection (8) of section 373.236, Florida
4947 Statutes, is amended to read:

4948 373.236 Duration of permits; compliance reports.—

4949 (8) A water management district may issue a permit to an
4950 applicant, as set forth in s. 163.3245(13), for the same period



4951 of time as the applicant's approved master development order if
4952 the master development order was issued under s. 380.06(9) ~~s.~~
4953 ~~380.06(21)~~ by a county which, at the time the order was issued,
4954 was designated as a rural area of opportunity under s. 288.0656,
4955 was not located in an area encompassed by a regional water
4956 supply plan as set forth in s. 373.709(1), and was not located
4957 within the basin management action plan of a first magnitude
4958 spring. In reviewing the permit application and determining the
4959 permit duration, the water management district shall apply s.
4960 163.3245(4) (b) .

4961 Section 32. Subsection (13) of section 373.414, Florida
4962 Statutes, is amended to read:

4963 373.414 Additional criteria for activities in surface
4964 waters and wetlands.—

4965 (13) Any declaratory statement issued by the department
4966 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
4967 as amended, or pursuant to rules adopted thereunder, or by a
4968 water management district under s. 373.421, in response to a
4969 petition filed on or before June 1, 1994, shall continue to be
4970 valid for the duration of such declaratory statement. Any such
4971 petition pending on June 1, 1994, shall be exempt from the
4972 methodology ratified in s. 373.4211, but the rules of the
4973 department or the relevant water management district, as
4974 applicable, in effect prior to the effective date of s.
4975 373.4211, shall apply. Until May 1, 1998, activities within the



4976 boundaries of an area subject to a petition pending on June 1,
4977 1994, and prior to final agency action on such petition, shall
4978 be reviewed under the rules adopted pursuant to ss. 403.91-
4979 403.929, 1984 Supplement to the Florida Statutes 1983, as
4980 amended, and this part, in existence prior to the effective date
4981 of the rules adopted under subsection (9), unless the applicant
4982 elects to have such activities reviewed under the rules adopted
4983 under this part, as amended in accordance with subsection (9).
4984 In the event that a jurisdictional declaratory statement
4985 pursuant to the vegetative index in effect prior to the
4986 effective date of chapter 84-79, Laws of Florida, has been
4987 obtained and is valid prior to the effective date of the rules
4988 adopted under subsection (9) or July 1, 1994, whichever is
4989 later, and the affected lands are part of a project for which a
4990 master development order has been issued pursuant to s.
4991 380.06(9) ~~s. 380.06(21)~~, the declaratory statement shall remain
4992 valid for the duration of the buildout period of the project.
4993 Any jurisdictional determination validated by the department
4994 pursuant to rule 17-301.400(8), Florida Administrative Code, as
4995 it existed in rule 17-4.022, Florida Administrative Code, on
4996 April 1, 1985, shall remain in effect for a period of 5 years
4997 following the effective date of this act if proof of such
4998 validation is submitted to the department prior to January 1,
4999 1995. In the event that a jurisdictional determination has been
5000 revalidated by the department pursuant to this subsection and



5001 the affected lands are part of a project for which a development
5002 order has been issued pursuant to s. 380.06(4) ~~s. 380.06(15)~~, a
5003 final development order to which s. 163.3167(5) applies has been
5004 issued, or a vested rights determination has been issued
5005 pursuant to s. 380.06(8) ~~s. 380.06(20)~~, the jurisdictional
5006 determination shall remain valid until the completion of the
5007 project, provided proof of such validation and documentation
5008 establishing that the project meets the requirements of this
5009 sentence are submitted to the department prior to January 1,
5010 1995. Activities proposed within the boundaries of a valid
5011 declaratory statement issued pursuant to a petition submitted to
5012 either the department or the relevant water management district
5013 on or before June 1, 1994, or a revalidated jurisdictional
5014 determination, prior to its expiration shall continue thereafter
5015 to be exempt from the methodology ratified in s. 373.4211 and to
5016 be reviewed under the rules adopted pursuant to ss. 403.91-
5017 403.929, 1984 Supplement to the Florida Statutes 1983, as
5018 amended, and this part, in existence prior to the effective date
5019 of the rules adopted under subsection (9), unless the applicant
5020 elects to have such activities reviewed under the rules adopted
5021 under this part, as amended in accordance with subsection (9).

5022 Section 33. Subsection (5) of section 378.601, Florida
5023 Statutes, is amended to read:

5024 378.601 Heavy minerals.—

5025 (5) Any heavy mineral mining operation which annually



5026 mines less than 500 acres and whose proposed consumption of
 5027 water is 3 million gallons per day or less may ~~shall~~ not be
 5028 subject ~~required to undergo development of regional impact~~
 5029 ~~review pursuant~~ to s. 380.06, provided permits and plan
 5030 approvals pursuant to either this section and part IV of chapter
 5031 373, or s. 378.901, are issued.

5032 Section 34. Section 380.065, Florida Statutes, is
 5033 repealed.

5034 Section 35. Paragraph (a) of subsection (2) of section
 5035 380.11, Florida Statutes, is amended to read:

5036 380.11 Enforcement; procedures; remedies.—

5037 (2) ADMINISTRATIVE REMEDIES.—

5038 (a) If the state land planning agency has reason to
 5039 believe a violation of this part or any rule, development order,
 5040 or other order issued hereunder or of any agreement entered into
 5041 under s. 380.032(3) ~~or s. 380.06(8)~~ has occurred or is about to
 5042 occur, it may institute an administrative proceeding pursuant to
 5043 this section to prevent, abate, or control the conditions or
 5044 activity creating the violation.

5045 Section 36. Paragraph (b) of subsection (2) of section
 5046 403.524, Florida Statutes, is amended to read:

5047 403.524 Applicability; certification; exemptions.—

5048 (2) Except as provided in subsection (1), construction of
 5049 a transmission line may not be undertaken without first
 5050 obtaining certification under this act, but this act does not



5051 apply to:

5052 (b) Transmission lines that have been exempted by a
5053 binding letter of interpretation issued under s. 380.06(3) ~~s.~~
5054 ~~380.06(4)~~, or in which the Department of Economic Opportunity or
5055 its predecessor agency has determined the utility to have vested
5056 development rights within the meaning of s. 380.05(18) or s.
5057 380.06(8) ~~s. 380.06(20)~~.

5058 Section 37. (1) The rules adopted by the state land
5059 planning agency to ensure uniform review of developments of
5060 regional impact by the state land planning agency and regional
5061 planning agencies and codified in chapter 73C-40, Florida
5062 Administrative Code, are repealed.

5063 (2) The rules adopted by the Administration Commission, as
5064 defined in s. 380.031, Florida Statutes, regarding whether two
5065 or more developments, represented by their owners or developers
5066 to be separate developments, shall be aggregated and treated as
5067 a single development under chapter 380, Florida Statutes, are
5068 repealed.

5069 Section 38. The Division of Law Revision and Information
5070 is directed to replace the phrase "the effective date of this
5071 act" where it occurs in this act with the date this act takes
5072 effect.

5073 Section 39. This act shall take effect July 1, 2018.