

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Housing, Agriculture &  
2 Tourism Subcommittee  
3 Representative Lopez, V. offered the following:

**Amendment (with title amendment)**

Remove lines 563-917 and insert:

**Section 4. Subsections (1), (6), (7), and (8) of section 166.04151, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:**

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances. A municipality may not adopt or enforce any law,

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17 ordinance, rule, or other measure that limits or prohibits  
18 affordable housing, including, but not limited to, any measure  
19 that is adopted for the purpose of limiting the maximum  
20 percentage of units within a certain geographic area or within a  
21 certain distance from another affordable housing project, or  
22 that otherwise prohibits affordable housing in areas zoned for  
23 such use.

24 (6) Notwithstanding any other law or local ordinance or  
25 regulation to the contrary, the governing body of a municipality  
26 may approve the development of housing that is affordable, as  
27 defined in s. 420.0004, including, but not limited to, a mixed-  
28 use residential development, on any parcel zoned for commercial  
29 or industrial use, or on any parcel, including any contiguous  
30 parcel connected thereto, that is owned by a religious  
31 institution, as defined in s. 170.201(2), that contains a house  
32 of public worship, regardless of the underlying zoning, so long  
33 as at least 10 percent of the units included in the project are  
34 for housing that is affordable. The provisions of this  
35 subsection are self-executing and do not require the governing  
36 body to adopt an ordinance or a regulation before using the  
37 approval process in this subsection.

38 (7) (a) As used in this subsection, regardless of  
39 terminology used in a municipality's land development  
40 regulations, the term:

41 1. "Allowable density" means the density prescribed for

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42 the property without additional requirements to procure and  
43 transfer density units or development units from other  
44 properties.

45 2. "Allowable use" means the intended uses identified in a  
46 municipality's land development regulations which are authorized  
47 within a zoning category as a use by right, without the  
48 requirement to obtain a variance or waiver. The term does not  
49 include uses that are accessory, ancillary, or incidental to the  
50 allowable uses or allowed only on a temporary basis.

51 3. "Commercial use" means activities associated with the  
52 sale, rental, or distribution of products or the sale or  
53 performance of services. The term includes, but is not limited  
54 to, retail, office, entertainment, and other for-profit business  
55 activities.

56 4. "Industrial use" means activities associated with the  
57 manufacture, assembly, processing, or storage of products or the  
58 performance of related services.

59 5. "Planned unit development" has the same meaning as in  
60 s. 163.3202(5)(b).

61 (b)(a) A municipality must authorize multifamily and  
62 mixed-use residential as allowable uses in any area zoned for  
63 commercial, industrial, or mixed use if at least 40 percent of  
64 the residential units in a proposed multifamily development are  
65 rental units that, for a period of at least 30 years, are  
66 affordable as defined in s. 420.0004. Notwithstanding any other

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67 law, local ordinance, or regulation to the contrary, a  
68 municipality may not require a proposed multifamily development  
69 to acquire or transfer density, density units, or development  
70 units or obtain a zoning or land use change, special exception,  
71 conditional use approval, variance, ~~or~~ comprehensive plan  
72 amendment, or any other approval for the building height,  
73 zoning, and densities authorized under this subsection. For  
74 mixed-use residential projects, at least 65 percent of the total  
75 square footage must be used for residential purposes.

76 (c) ~~(b)~~ A municipality may not directly restrict or take  
77 action that has the effect of restricting the density of a  
78 proposed multifamily or mixed-use residential development  
79 authorized under this subsection below the highest ~~currently~~  
80 ~~allowed~~ density allowed on or after July 1, 2023, on any land in  
81 the municipality where residential development is allowed under  
82 the municipality's land development regulations. For purposes of  
83 this paragraph, the term "highest ~~currently allowed~~ density"  
84 does not include the density of any building that met the  
85 requirements of this subsection or the density of any building  
86 that has received any bonus, variance, or other special  
87 exception for density provided in the municipality's land  
88 development regulations as an incentive for development. For  
89 purposes of this paragraph, to "directly restrict" or to "take  
90 action that has the effect of restricting" density includes  
91 requirements to procure or transfer density units or development

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92 units from other properties.

93 (d) A municipality may not directly restrict or take  
94 action that has the effect of restricting the maximum lot size  
95 of a proposed multifamily or mixed-use residential development  
96 authorized under this paragraph below the largest maximum lot  
97 size allowed on or after July 1, 2023, on any land in the  
98 municipality where multifamily or mixed-use residential  
99 development is allowed pursuant to the municipality's land  
100 development regulations. A municipality may not restrict the  
101 maximum lot coverage of a proposed multifamily or mixed-use  
102 residential development authorized under this paragraph below 70  
103 percent.

104 (e)-(e) A municipality may not directly restrict or take  
105 action that has the effect of restricting the floor area ratio  
106 of a proposed multifamily or mixed-use residential development  
107 authorized under this subsection below 150 percent of the  
108 highest ~~currently allowed~~ floor area ratio allowed on or after  
109 July 1, 2023, on any land in the municipality where development  
110 is allowed under the municipality's land development  
111 regulations. For purposes of this paragraph, the term "highest  
112 ~~currently allowed~~ floor area ratio" does not include the floor  
113 area ratio of any building that met the requirements of this  
114 subsection or the floor area ratio of any building that has  
115 received any bonus, variance, or other special exception for  
116 floor area ratio provided in the municipality's land development

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117 regulations as an incentive for development. For purposes of  
118 this subsection, the term "floor area ratio" includes floor lot  
119 ratio.

120 (f)-(d)1. A municipality may not directly restrict or take  
121 action that has the effect of restricting the height of a  
122 proposed multifamily or mixed-use residential development  
123 authorized under this subsection below the highest ~~currently~~  
124 ~~allowed~~ height allowed on or after July 1, 2023, for a  
125 commercial or residential building located in its jurisdiction  
126 within 1 mile of the proposed development or 3 stories,  
127 whichever is higher. For purposes of this paragraph, the term  
128 "highest ~~currently allowed~~ height" includes the height of the  
129 tallest existing building located in its jurisdiction within 1  
130 mile of the proposed development if the existing building  
131 exceeds the highest height allowed on or after July 1, 2023.  
132 However, the term does not include the height of any building  
133 that met the requirements of this subsection or the height of  
134 any building that has received any bonus, variance, or other  
135 special exception for height provided in the municipality's land  
136 development regulations as an incentive for development.

137 2. If the proposed multifamily or mixed-use residential  
138 development is adjacent to, on two or more sides, a parcel zoned  
139 for single-family residential use that is within a single-family  
140 residential development with at least 25 contiguous single-  
141 family homes, the municipality may restrict the height of the

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142 proposed development to 150 percent of the tallest building on  
143 any property adjacent to the proposed development, the highest  
144 ~~currently allowed~~ height allowed on or after July 1, 2023, for  
145 the property provided in the municipality's land development  
146 regulations, or 3 stories, whichever is higher. For the purposes  
147 of this paragraph, the term "adjacent to" means those properties  
148 sharing more than one point of a property line, but does not  
149 include properties separated by a public road.

150 (g)1.(e) A proposed multifamily or mixed-use residential  
151 development authorized under this subsection must be  
152 administratively approved and ~~no~~ further action or approval by  
153 the governing body of the municipality or any quasi-judicial  
154 board of the reviewing body is not authorized ~~required~~ if the  
155 development satisfies the municipality's land development  
156 regulations for multifamily or mixed-use residential  
157 developments as of July 1, 2023, in areas zoned for such use,  
158 density, intensity, and height, and is otherwise consistent with  
159 the comprehensive plan, with the exception of provisions  
160 establishing ~~allowable~~ densities, floor area ratios, height, and  
161 land use, including mixed use and minimum nonresidential or  
162 commercial floor area requirements. The removal or demolition of  
163 an existing structure to be performed as part of the proposed  
164 development must also be administratively approved. A proposed  
165 development authorized under this subsection must be treated as  
166 a conforming use, notwithstanding the municipality's

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167 comprehensive plan, future land use designation, or zoning. Such  
168 land development regulations include, but are not limited to,  
169 regulations relating to setbacks and parking requirements.

170 2. A municipality may not initiate or enforce zoning-in-  
171 progress or a building moratorium on a proposed development that  
172 is subject to this subsection and for which the municipality has  
173 approved the development's preliminary site plan.

174 3. A proposed development located within one-quarter mile  
175 of a military installation identified in s. 163.3175(2) may not  
176 be administratively approved.

177 4. Each municipality shall maintain on its website a  
178 policy containing the zoning map and zoning regulations in  
179 effect on July 1, 2023, and the procedures and expectations for  
180 administrative approval pursuant to this subsection.

181 (h)(f)1. A municipality must reduce ~~consider reducing~~  
182 parking requirements by at least 20 percent for a proposed  
183 development authorized under this subsection, or by 100 percent  
184 for structures that are 20,000 square feet or less ~~if the~~  
185 ~~development is located within one-quarter mile of a transit~~  
186 ~~stop, as defined in the municipality's land development code,~~  
187 ~~and the transit stop is accessible from the development.~~

188 2. A municipality must reduce parking requirements by at  
189 least 20 percent for a proposed development authorized under  
190 this subsection if the development:

191 a. Is located within one-half mile of a major



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192 transportation hub that is accessible from the proposed  
193 development by safe, pedestrian-friendly means, such as  
194 sidewalks, crosswalks, elevated pedestrian or bike paths, or  
195 other multimodal design features; or.

196 b. Has available parking within 600 feet of the proposed  
197 development which may consist of options such as on-street  
198 parking, parking lots, or parking garages available for use by  
199 residents of the proposed development. However, a municipality  
200 may not require that the available parking compensate for the  
201 reduction in parking requirements.

202 3. A municipality must eliminate parking requirements for  
203 a proposed mixed-use residential development authorized under  
204 this subsection within an area recognized by the municipality as  
205 a transit-oriented development or area, as provided in paragraph  
206 (j) ~~(h)~~.

207 4. For purposes of this paragraph, the term "major  
208 transportation hub" means any transit station, whether bus,  
209 train, or light rail, which is served by public transit with a  
210 mix of other transportation options.

211 (i) ~~(g)~~ A municipality that designates less than 20 percent  
212 of the land area within its jurisdiction for commercial or  
213 industrial use must authorize a proposed multifamily development  
214 as provided in this subsection in areas zoned for commercial or  
215 industrial use only if the proposed multifamily development is  
216 mixed-use residential.

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217        ~~(j)-(h)~~ A proposed development authorized under this  
218 subsection which is located within a transit-oriented  
219 development or area, as recognized by the municipality, must be  
220 mixed-use residential and otherwise comply with requirements of  
221 the municipality's regulations applicable to the transit-  
222 oriented development or area except for use, height, density,  
223 floor area ratio, and parking as provided in this subsection or  
224 as otherwise agreed to by the municipality and the applicant for  
225 the development.

226        ~~(i) Except as otherwise provided in this subsection, a~~  
227 ~~development authorized under this subsection must comply with~~  
228 ~~all applicable state and local laws and regulations.~~

229        ~~(k)-(j)~~1. Nothing in this subsection precludes a  
230 municipality from granting a bonus, variance, conditional use,  
231 or other special exception to height, density, or floor area  
232 ratio in addition to the height, density, and floor area ratio  
233 requirements in this subsection.

234        2. Nothing in this subsection precludes a proposed  
235 development authorized under this subsection from receiving a  
236 bonus for density, height, or floor area ratio pursuant to an  
237 ordinance or regulation of the jurisdiction where the proposed  
238 development is located if the proposed development satisfies the  
239 conditions to receive the bonus except for any condition which  
240 conflicts with this subsection. If a proposed development  
241 qualifies for such bonus, the bonus must be administratively

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242 approved by the municipality and no further action by the  
243 governing body of the municipality is required.

244 (l) A municipality shall approve building permit plan  
245 review for a proposed development within 60 days authorized  
246 under this subsection, and prioritize building permit plan  
247 review for projects authorized under this subsection over other  
248 development projects.

249 (m) Notwithstanding s. 57.112(6), the prevailing party in  
250 a challenge under this subsection is entitled to recover  
251 attorney fees and costs, including reasonable appellate attorney  
252 fees and costs.

253 (n) ~~(\*)~~ This subsection does not apply to:

- 254 1. Airport-impacted areas as provided in s. 333.03.  
255 2. Property defined as recreational and commercial working  
256 waterfront in s. 342.201(2)(b) in any area zoned as industrial.

257 (o) After July 1, 2023, if a municipality adopts an  
258 ordinance or resolution, or makes any other decision, and such  
259 ordinance, resolution, or decision has the effect, either  
260 directly or indirectly, of:

261 1. Limiting the height, floor area ratio, or density of a  
262 project under this section;

263 2. Unreasonably delaying the development or construction  
264 of a project under this section, including, but not limited to,  
265 imposing a moratorium;

266 3. Restricting the manner in which affordable units are

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267 developed or accessed within a project or regulating the types  
268 of units in the project; or

269 4. Restricting or limiting a project under this section in  
270 any other way,

271  
272 then such ordinance, resolution, or decision shall be deemed  
273 preempted. If a property owner files a site plan application  
274 under this section with a municipality, the administrative  
275 review process must be based only on the land development  
276 regulations in effect as of the date of filing the application.

277 (p) The regulation of affordable housing under this  
278 subsection is expressly preempted to the state. This subsection  
279 supersedes any local government ordinances, resolutions, or any  
280 other local regulations, including local moratoriums, on matters  
281 covered under this subsection.

282 (q) If an action is filed against a local government to  
283 challenge the adoption or enforcement of a local ordinance,  
284 resolution, or other local regulation on the grounds that it is  
285 expressly preempted by general law under this subsection, the  
286 court shall expedite the proceeding and render a decision within  
287 30 days after service of process. Notice of appeal shall be  
288 filed and served within 30 days from the rendition of the  
289 judgment appealed from. The Supreme Court shall adopt rules by  
290 October 1, 2025, to ensure the proceedings are handled  
291 expeditiously and in a manner consistent with this subsection.

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292 (r)~~(1)~~ This subsection expires October 1, 2033.

293 (8) Any development authorized under paragraph (7) (b)  
294 ~~(7) (a)~~ must be treated as a conforming use even after the  
295 expiration of subsection (7) and the development's affordability  
296 period as provided in paragraph (7) (b) ~~(7) (a)~~, notwithstanding  
297 the municipality's comprehensive plan, future land use  
298 designation, or zoning. If at any point during the development's  
299 affordability period the development violates the affordability  
300 period requirement provided in paragraph (7) (b) ~~(7) (a)~~, the  
301 development must be allowed a reasonable time to cure such  
302 violation. If the violation is not cured within a reasonable  
303 time, the development must be treated as a nonconforming use.

304 (9) A municipality's review or approval of an application  
305 for a development permit or development order may not be  
306 conditioned on the:

307 (a) Waiver, forbearance, acquisition, transfer, or  
308 abandonment of any development right authorized by this section;  
309 or

310 (b) Procurement or transfer of density units or  
311 development units.

312  
313 Any such waiver, forbearance, acquisition, transfer,  
314 procurement, or abandonment is void.

315 (10) (a) Beginning June 30, 2026, each municipality must  
316 provide an annual report to the state land planning agency that

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317 includes:

318 1. All litigation initiated under subsection (9), the  
319 status of the case, and, if applicable, the final disposition.

320 2. All actions the municipality has taken on any proposed  
321 project under this section, including, at minimum, the project  
322 size, density, and intensity, and the number of units and the  
323 number of affordable units for such proposed project.

324 3. For any proposed development that is denied or not  
325 accepted, all actions the municipality has taken relating to  
326 such proposed development and an explanation for why such  
327 actions were taken.

328 (b) The state land planning agency shall provide an annual  
329 report to the Governor, the President of the Senate, and the  
330 Speaker of the House of Representatives regarding municipal  
331 compliance with this section.

332 (11) A municipality may not impose a building moratorium  
333 that has the effect of delaying the permitting of construction  
334 of a multifamily project that would otherwise qualify for:

335 (a) An affordable housing ad valorem tax exemption under  
336 s. 196.1978 or s. 196.1979.

337 (b) Any grant loan or other incentive provided for the  
338 development of affordable housing under chapter 420.

339 (c) Any abatement of development restrictions under  
340 subsection (7).

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**T I T L E   A M E N D M E N T**  
Remove lines 3-101 and insert:  
development; amending s. 125.01055, F.S.; requiring  
the board of county commissioners to approve the  
development of housing that is affordable if certain  
requirements are met; providing definitions; requiring  
counties to authorize multifamily and mixed-use  
residential as allowable uses on sites owned by  
specified entities and in planned unit developments  
for specified use, if certain conditions are met;  
requiring counties to include adjacent land as part of  
multifamily development, regardless of land use  
designation, if certain conditions are met;  
prohibiting counties from requiring a proposed mixed-  
use residential development to obtain certain  
amendments; prohibiting counties from requiring more  
than a certain percentage of total square footage to  
be used for specified purposes; requiring a specified  
definition of areas zoned for mixed use; providing  
that certain affordable or workforce units also  
qualify as affordable housing; prohibiting counties  
from restricting the density of a proposed multifamily  
or mixed-use residential development below the highest  
density on or after a specified date; prohibiting

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367 counties from restricting the maximum lot size of a  
368 proposed multifamily or mixed-use residential  
369 development below the highest maximum lot size on or  
370 after a specified date; prohibiting counties from  
371 restricting the floor area ratio of a proposed  
372 multifamily or mixed-use residential development below  
373 a certain percentage allowed on or after a specified  
374 date; prohibiting counties from restricting the height  
375 of a proposed multifamily or mixed-use residential  
376 development below the highest height on or after a  
377 specified date; revising the ability of counties to  
378 restrict the height of multifamily or mixed-use  
379 residential developments that are adjacent specified  
380 parcels to the highest height allowed on or after a  
381 specified date; requiring administrative approval of  
382 proposed multifamily or mixed-use residential  
383 developments without a public hearing in certain  
384 instances; prohibiting counties from initiating or  
385 enforcing zoning-in-progress or building moratoriums  
386 in certain instances; requiring counties to maintain  
387 on its website a specified policy; requiring a county  
388 to reduce certain parking requirements by a specified  
389 percentage; requiring counties to approve, within a  
390 specified time frame, building permit plan review for  
391 proposed developments; providing for the awarding of

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392 attorney fees and costs under certain conditions;  
393 providing that if a county adopts an ordinance or  
394 resolution, or makes any other decision, after a  
395 specified date having certain listed effects, the  
396 ordinance, resolution, or decision is deemed  
397 preempted; preempting the regulation of affordable  
398 housing to the state; providing that the  
399 administrative review process of a site plan filed  
400 with a county must be based on land development  
401 regulations in effect as of the date of filing the  
402 application; requiring courts to expedite proceedings  
403 and render an order within a specified timeframe if an  
404 action is filed against a local government based on  
405 preemption grounds; requiring notice of appeal to be  
406 filed and served within a specified timeframe from  
407 such judgment; requiring the Supreme Court to adopt  
408 rules by a specified date for such expedited  
409 proceedings; prohibiting counties from conditioning  
410 review or approval of applications for development  
411 permits or orders on the waiver, forbearance, or  
412 abandonment of any development right; deeming such  
413 actions to be void; providing certain reporting  
414 requirements beginning on a specified date; providing  
415 reporting requirements; prohibiting the imposition of  
416 a building moratorium under certain circumstances;

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417 providing that certain property owners have a cause of  
418 action; authorizing a court to provide specified  
419 relief, costs, and fees; providing a maximum award;  
420 providing that certain property owners have specified  
421 rights; amending s. 163.31801, F.S.; requiring an  
422 exception or waiver for a specified percentage of the  
423 impact fees for certain developments; amending s.  
424 166.041, F.S.; revising procedures to require that  
425 resolutions with certain subjects be based on a  
426 certain finding by the governing body for adoption of  
427 such resolutions; amending s. 166.04151, F.S.;

428 prohibiting municipalities from adopting or enforcing  
429 specified laws, ordinances, rules, or other measures  
430 relating to affordable housing; authorizing  
431 municipalities to approve the development of housing  
432 that is affordable on any parcel that is owned by a  
433 specified religious institution; providing  
434 definitions; prohibiting municipalities from requiring  
435 a proposed multifamily development to acquire or  
436 transfer density, density units, or development units  
437 or obtain certain amendments or approval; prohibiting  
438 municipalities from restricting or taking action that  
439 has the effect of restricting the density of a  
440 proposed multifamily or mixed-use residential  
441 development below the highest density on or after a

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442 specified date; providing construction; prohibiting  
443 municipalities from restricting or taking action that  
444 has the effect of restricting the maximum lot size of  
445 a proposed multifamily or mixed-use residential  
446 development below the largest maximum lot size on or  
447 after a specified date; prohibiting municipalities  
448 from restricting or taking action that has the effect  
449 of restricting the floor area ratio of a proposed  
450 multifamily or mixed-use residential development below  
451 a certain percentage allowed on or after a specified  
452 date; prohibiting municipalities from restricting or  
453 taking action that has the effect of restricting the  
454 height of a proposed multifamily or mixed-use  
455 residential development below the highest height on or  
456 after a specified date; providing construction;  
457 revising the ability of municipalities to restrict the  
458 height of multifamily or mixed-use residential  
459 developments that are adjacent specified parcels to  
460 the highest height allowed on or after a specified  
461 date; requiring administrative approval of proposed  
462 multifamily or mixed-use residential developments with  
463 no further action or approval in certain instances;  
464 requiring such developments to be treated as a  
465 conforming use, notwithstanding certain land  
466 development regulations; prohibiting municipalities

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467 from initiating or enforcing zoning-in-progress or  
468 building moratoriums in certain instances; requiring  
469 municipalities to maintain on its website a specified  
470 policy; requiring municipalities to reduce certain  
471 parking requirements by a specified percentage;  
472 requiring municipalities to approve, within a  
473 specified time frame, building permit plan review for  
474 proposed developments; providing for the awarding of  
475 attorney fees and costs under certain conditions;  
476 providing that if a municipality adopts an ordinance  
477 or resolution, or makes any other decision, after a  
478 specified date having certain listed effects, the  
479 ordinance, resolution, or decision is deemed  
480 preempted; preempting the regulation of affordable  
481 housing to the state; requiring courts to expedite  
482 proceedings and render an order within a specified  
483 timeframe if an action is filed against a local  
484 government based on preemption grounds; requiring  
485 notice of appeal to be filed and served within a  
486 specified timeframe from such judgment; requiring the  
487 Supreme Court to adopt rules by a specified date for  
488 such expedited proceedings; prohibiting municipalities  
489 from conditioning review or approval of applications  
490 for development permits or orders on the waiver,  
491 forbearance, acquisition, transfer, or abandonment of

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492 any development right, or the procurement or transfer  
493 of density units or development units; deeming such  
494 actions to be void; providing certain reporting  
495 requirements beginning on a specified date; providing  
496 reporting requirements; prohibiting the imposition of  
497 a building moratorium under certain circumstances;  
498 providing that the owner of an administratively  
499 approved proposed development has a vested right to  
500 proceed with development under certain circumstances;  
501 amending s. 163.2517, F.S.; requiring that proposed