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2018 Legislature

1  
2 An act relating to developments of regional impact;  
3 amending s. 380.06, F.S.; revising the statewide  
4 guidelines and standards for developments of regional  
5 impact; deleting criteria that the Administration  
6 Commission is required to consider in adopting its  
7 guidelines and standards; revising provisions relating  
8 to the application of guidelines and standards;  
9 revising provisions relating to variations and  
10 thresholds for such guidelines and standards; deleting  
11 provisions relating to the issuance of binding  
12 letters; specifying that previously issued letters  
13 remain valid unless previously expired; specifying the  
14 procedure for amending a binding letter of  
15 interpretation; specifying that previously issued  
16 clearance letters remain valid unless previously  
17 expired; deleting provisions relating to  
18 authorizations to develop, applications for approval  
19 of development, concurrent plan amendments,  
20 preapplication procedures, preliminary development  
21 agreements, conceptual agency review, application  
22 sufficiency, local notice, regional reports, and  
23 criteria for the approval of developments inside and  
24 outside areas of critical state concern; revising  
25 provisions relating to local government development

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42 notice of certain rescinded development orders;  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

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51 or fee against impact fees, mobility fees, or  
52 exactions; deleting a provision relating to the  
53 determination of certain credits for impact fees or  
54 extractions; deleting a provision exempting a  
55 nongovernmental developer from being required to  
56 competitively bid or negotiate construction or design  
57 of certain facilities except under certain  
58 circumstances; specifying that certain capital  
59 contribution front-ending agreements remain valid  
60 unless previously expired; deleting a provision  
61 relating to local monitoring; revising requirements  
62 for developers regarding reporting to local  
63 governments and specifying that such reports are not  
64 required unless required by a local government with  
65 jurisdiction over a development; revising the  
66 requirements and procedure for proposed changes to a  
67 previously approved development of regional impact and  
68 deleting rulemaking requirements relating to such  
69 procedure; revising provisions relating to the  
70 approval of such changes; specifying that certain  
71 extensions previously granted by statute are still  
72 valid and not subject to review or modification;  
73 deleting provisions relating to determinations as to  
74 whether a proposed change is a substantial deviation;  
75 deleting provisions relating to comprehensive

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76 | development-of-regional-impact applications and master  
77 | plan development orders; specifying that certain  
78 | agreements that include two or more developments of  
79 | regional impact which were the subject of a  
80 | comprehensive development-of-regional-impact  
81 | application remain valid unless previously expired;  
82 | deleting provisions relating to downtown development  
83 | authorities; deleting provisions relating to adoption  
84 | of rules by the state land planning agency; deleting  
85 | statutory exemptions from development-of-regional-  
86 | impact review; specifying that an approval of an  
87 | authorized developer for an areawide development of  
88 | regional impact remains valid unless previously  
89 | expired; deleting provisions relating to areawide  
90 | developments of regional impact; deleting an  
91 | authorization for the state land planning agency to  
92 | adopt rules relating to abandonment of developments of  
93 | regional impact; requiring local governments to file a  
94 | notice of abandonment under certain conditions;  
95 | deleting an authorization for the state land planning  
96 | agency to adopt a procedure for filing such notice;  
97 | requiring a development-of-regional-impact development  
98 | order to be abandoned by a local government under  
99 | certain conditions; deleting a provision relating to  
100 | abandonment of developments of regional impact in

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101 certain high-hazard coastal areas; authorizing local  
 102 governments to approve abandonment of development  
 103 orders for an approved development under certain  
 104 conditions; deleting a provision relating to rights,  
 105 responsibilities, and obligations under a development  
 106 order; deleting partial exemptions from development-of  
 107 regional-impact review; deleting exemptions for dense  
 108 urban land areas; specifying that proposed  
 109 developments that exceed the statewide guidelines and  
 110 standards and that are not otherwise exempt be  
 111 approved by local governments instead of through  
 112 specified development-of-regional-impact proceedings;  
 113 providing an exception; amending s. 380.061, F.S.;

114 specifying that the Florida Quality Developments  
 115 program only applies to previously approved  
 116 developments in the program before the effective date  
 117 of the act; specifying a process for local governments  
 118 to adopt a local development order to replace and  
 119 supersede the development order adopted by the state  
 120 land planning agency for the Florida Quality  
 121 Developments; deleting program intent, eligibility  
 122 requirements, rulemaking authorizations, and  
 123 application and approval requirements and processes;  
 124 deleting an appeals process and the Quality  
 125 Developments Review Board; amending s. 380.0651, F.S.;

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126 deleting provisions relating to the superseding of  
 127 guidelines and standards adopted by the Administration  
 128 Commission and the publishing of guidelines and  
 129 standards by the Administration Commission; conforming  
 130 a provision to changes made by the act; specifying  
 131 exemptions and partial exemptions from development-of-  
 132 regional-impact review; deleting provisions relating  
 133 to determining whether there is a unified plan of  
 134 development; deleting provisions relating to the  
 135 circumstances where developments should be aggregated;  
 136 deleting a provision relating to prospective  
 137 application of certain provisions; deleting a  
 138 provision authorizing state land planning agencies to  
 139 enter into agreements for the joint planning, sharing,  
 140 or use of specified public infrastructure, facilities,  
 141 or services by developers; deleting an authorization  
 142 for the state land planning agency to adopt rules;  
 143 amending s. 380.07, F.S.; deleting an authorization  
 144 for the Florida Land and Water Adjudicatory Commission  
 145 to adopt rules regarding the requirements for  
 146 developments of regional impact; revising when a local  
 147 government must transmit a development order to the  
 148 state land planning agency, the regional planning  
 149 agency, and the owner or developer of the property  
 150 affected by such order; deleting a process for

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151 regional planning agencies to undertake appeals of  
152 development-of-regional-impact development orders;  
153 revising a process for appealing development orders  
154 for consistency with a local comprehensive plan to be  
155 available only for developments in areas of critical  
156 state concern; deleting a procedure regarding certain  
157 challenges to development orders relating to  
158 developments of regional impact; amending s. 380.115,  
159 F.S.; deleting a provision relating to changes in  
160 development-of-regional-impact guidelines and  
161 standards and the impact of such changes on vested  
162 rights, duties, and obligations pursuant to any  
163 development order or agreement; requiring local  
164 governments to monitor and enforce development orders  
165 and prohibiting local governments from issuing  
166 permits, approvals, or extensions of services if a  
167 developer does not act in substantial compliance with  
168 an order; deleting provisions relating to changes in  
169 development of regional impact guidelines and  
170 standards and their impact on the development approval  
171 process; amending s. 125.68, F.S.; conforming a cross-  
172 reference; amending s. 163.3245, F.S.; conforming  
173 cross-references; conforming provisions to changes  
174 made by the act; revising the circumstances in which  
175 applicants who apply for master development approval

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176 for an entire planning area must remain subject to a  
 177 master development order; specifying an exception;  
 178 deleting a provision relating to the level of review  
 179 for applications for master development approval;  
 180 amending s. 163.3246, F.S.; conforming provisions to  
 181 changes made by the act; conforming cross-references;  
 182 amending s. 189.08, F.S.; conforming a cross-  
 183 reference; conforming a provision to changes made by  
 184 the act; amending s. 190.005, F.S.; conforming cross-  
 185 references; amending ss. 190.012 and 252.363, F.S.;  
 186 conforming cross-references; amending s. 369.303,  
 187 F.S.; conforming a provision to changes made by the  
 188 act; amending ss. 369.307, 373.236, and 373.414, F.S.;  
 189 conforming cross-references; amending s. 378.601,  
 190 F.S.; conforming a provision to changes made by the  
 191 act; repealing s. 380.065, F.S., relating to a process  
 192 to allow local governments to request certification to  
 193 review developments of regional impact that are  
 194 located within their jurisdictions in lieu of the  
 195 regional review requirements; amending ss. 380.11 and  
 196 403.524, F.S.; conforming cross-references; amending  
 197 s. 163.3164, F.S.; defining the term "master  
 198 development plan" or "master plan"; amending s.  
 199 212.055, F.S.; conforming a cross-reference; repealing  
 200 specified rules regarding uniform review of



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

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

212 Section 1. Section 380.06, Florida Statutes, is amended to  
 213 read:

214 380.06 Developments of regional impact.—

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

220 (2) STATEWIDE GUIDELINES AND STANDARDS.—

221 ~~(a)~~ The statewide guidelines and standards and the  
 222 exemptions specified in s. 380.0651 and the statewide guidelines  
 223 and standards adopted by the Administration Commission and  
 224 codified in chapter 28-24, Florida Administrative Code, must be  
 225 ~~state land planning agency shall recommend to the Administration~~

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226 ~~Commission specific statewide guidelines and standards for~~  
227 ~~adoption pursuant to this subsection. The Administration~~  
228 ~~Commission shall by rule adopt statewide guidelines and~~  
229 ~~standards to be used in determining whether particular~~  
230 ~~developments are subject to the requirements of subsection (12)~~  
231 ~~shall undergo development of regional impact review. The~~  
232 ~~statewide guidelines and standards previously adopted by the~~  
233 ~~Administration Commission and approved by the Legislature shall~~  
234 ~~remain in effect unless revised pursuant to this section or~~  
235 ~~superseded or repealed by statute by other provisions of law.~~

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

238 ~~1. The extent to which the development would create or~~  
239 ~~alleviate environmental problems such as air or water pollution~~  
240 ~~or noise.~~

241 ~~2. The amount of pedestrian or vehicular traffic likely to~~  
242 ~~be generated.~~

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

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

246 ~~5. The likelihood that additional or subsidiary~~  
247 ~~development will be generated.~~

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

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

252 ~~(c) With regard to the changes in the guidelines and~~  
 253 ~~standards authorized pursuant to this act, in determining~~  
 254 ~~whether a proposed development must comply with the review~~  
 255 ~~requirements of this section, the state land planning agency~~  
 256 ~~shall apply the guidelines and standards which were in effect~~  
 257 ~~when the developer received authorization to commence~~  
 258 ~~development from the local government. If a developer has not~~  
 259 ~~received authorization to commence development from the local~~  
 260 ~~government prior to the effective date of new or amended~~  
 261 ~~guidelines and standards, the new or amended guidelines and~~  
 262 ~~standards shall apply.~~

263 ~~(d)~~ The statewide guidelines and standards shall be  
 264 applied as follows:

265 (a)1. Fixed thresholds.

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

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

274 ~~e.~~ Projects certified under s. 403.973 which create at  
 275 least 100 jobs and meet the criteria of the Department of

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276 ~~Economic Opportunity as to their impact on an area's economy,~~  
277 ~~employment, and prevailing wage and skill levels that are at or~~  
278 ~~below 100 percent of the numerical thresholds for industrial~~  
279 ~~plants, industrial parks, distribution, warehousing or~~  
280 ~~wholesaling facilities, office development or multiuse projects~~  
281 ~~other than residential, as described in s. 380.0651(3)(c) and~~  
282 ~~(f) are not required to undergo development of regional impact~~  
283 ~~review.~~

284 ~~2. Rebuttable presumption.—It shall be presumed that a~~  
285 ~~development that is at 100 percent or between 100 and 120~~  
286 ~~percent of a numerical threshold shall be required to undergo~~  
287 ~~development of regional impact review.~~

288 ~~(c) With respect to residential, hotel, motel, office, and~~  
289 ~~retail developments, the applicable guidelines and standards~~  
290 ~~shall be increased by 50 percent in urban central business~~  
291 ~~districts and regional activity centers of jurisdictions whose~~  
292 ~~local comprehensive plans are in compliance with part II of~~  
293 ~~chapter 163. With respect to multiuse developments, the~~  
294 ~~applicable individual use guidelines and standards for~~  
295 ~~residential, hotel, motel, office, and retail developments and~~  
296 ~~multiuse guidelines and standards shall be increased by 100~~  
297 ~~percent in urban central business districts and regional~~  
298 ~~activity centers of jurisdictions whose local comprehensive~~  
299 ~~plans are in compliance with part II of chapter 163, if one land~~  
300 ~~use of the multiuse development is residential and amounts to~~

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301 ~~not less than 35 percent of the jurisdiction's applicable~~  
302 ~~residential threshold. With respect to resort or convention~~  
303 ~~hotel developments, the applicable guidelines and standards~~  
304 ~~shall be increased by 150 percent in urban central business~~  
305 ~~districts and regional activity centers of jurisdictions whose~~  
306 ~~local comprehensive plans are in compliance with part II of~~  
307 ~~chapter 163 and where the increase is specifically for a~~  
308 ~~proposed resort or convention hotel located in a county with a~~  
309 ~~population greater than 500,000 and the local government~~  
310 ~~specifically designates that the proposed resort or convention~~  
311 ~~hotel development will serve an existing convention center of~~  
312 ~~more than 250,000 gross square feet built before July 1, 1992.~~  
313 ~~The applicable guidelines and standards shall be increased by~~  
314 ~~150 percent for development in any area designated by the~~  
315 ~~Governor as a rural area of opportunity pursuant to s. 288.0656~~  
316 ~~during the effectiveness of the designation.~~

317 ~~(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND~~  
318 ~~STANDARDS. The state land planning agency, a regional planning~~  
319 ~~agency, or a local government may petition the Administration~~  
320 ~~Commission to increase or decrease the numerical thresholds of~~  
321 ~~any statewide guideline and standard. The state land planning~~  
322 ~~agency or the regional planning agency may petition for an~~  
323 ~~increase or decrease for a particular local government's~~  
324 ~~jurisdiction or a part of a particular jurisdiction. A local~~  
325 ~~government may petition for an increase or decrease within its~~

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326 ~~jurisdiction or a part of its jurisdiction. A number of requests~~  
327 ~~may be combined in a single petition.~~

328 ~~(a) When a petition is filed, the state land planning~~  
329 ~~agency shall have no more than 180 days to prepare and submit to~~  
330 ~~the Administration Commission a report and recommendations on~~  
331 ~~the proposed variation. The report shall evaluate, and the~~  
332 ~~Administration Commission shall consider, the following~~  
333 ~~criteria:~~

334 ~~1. Whether the local government has adopted and~~  
335 ~~effectively implemented a comprehensive plan that reflects and~~  
336 ~~implements the goals and objectives of an adopted state~~  
337 ~~comprehensive plan.~~

338 ~~2. Any applicable policies in an adopted strategic~~  
339 ~~regional policy plan.~~

340 ~~3. Whether the local government has adopted and~~  
341 ~~effectively implemented both a comprehensive set of land~~  
342 ~~development regulations, which regulations shall include a~~  
343 ~~planned unit development ordinance, and a capital improvements~~  
344 ~~plan that are consistent with the local government comprehensive~~  
345 ~~plan.~~

346 ~~4. Whether the local government has adopted and~~  
347 ~~effectively implemented the authority and the fiscal mechanisms~~  
348 ~~for requiring developers to meet development order conditions.~~

349 ~~5. Whether the local government has adopted and~~  
350 ~~effectively implemented and enforced satisfactory development~~

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351 ~~review procedures.~~

352 ~~(b) The affected regional planning agency, adjoining local~~  
353 ~~governments, and the local government shall be given a~~  
354 ~~reasonable opportunity to submit recommendations to the~~  
355 ~~Administration Commission regarding any such proposed~~  
356 ~~variations.~~

357 ~~(c) The Administration Commission shall have authority to~~  
358 ~~increase or decrease a threshold in the statewide guidelines and~~  
359 ~~standards up to 50 percent above or below the statewide~~  
360 ~~presumptive threshold. The commission may from time to time~~  
361 ~~reconsider changed thresholds and make additional variations as~~  
362 ~~it deems necessary.~~

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

366 ~~(e) Variations to guidelines and standards adopted by the~~  
367 ~~Administration Commission under this subsection shall be~~  
368 ~~transmitted on or before March 1 to the President of the Senate~~  
369 ~~and the Speaker of the House of Representatives for presentation~~  
370 ~~at the next regular session of the Legislature. Unless approved~~  
371 ~~as submitted by general law, the revisions shall not become~~  
372 ~~effective.~~

373 (3) ~~(4)~~ BINDING LETTER.—

374 (a) Any binding letter previously issued to a developer by  
375 the state land planning agency as to ~~If any developer is in~~

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376 ~~doubt~~ whether his or her proposed development must undergo  
 377 ~~development-of-regional-impact review under the guidelines and~~  
 378 ~~standards~~, whether his or her rights have vested pursuant to  
 379 subsection (8) ~~(20)~~, or whether a proposed substantial change to  
 380 a development of regional impact concerning which rights had  
 381 previously vested pursuant to subsection (8) ~~(20)~~ would divest  
 382 such rights, remains valid unless it expired on or before the  
 383 effective date of this act ~~the developer may request a~~  
 384 ~~determination from the state land planning agency. The developer~~  
 385 ~~or the appropriate local government having jurisdiction may~~  
 386 ~~request that the state land planning agency determine whether~~  
 387 ~~the amount of development that remains to be built in an~~  
 388 ~~approved development of regional impact meets the criteria of~~  
 389 ~~subparagraph (15)(g)3.~~

390 (b) Upon a request by the developer, a binding letter of  
 391 interpretation regarding which rights had previously vested in a  
 392 development of regional impact may be amended by the local  
 393 government of jurisdiction, based on standards and procedures in  
 394 the adopted local comprehensive plan or the adopted local land  
 395 development code, to reflect a change to the plan of development  
 396 and modification of vested rights, provided that any such  
 397 amendment to a binding letter of vested rights must be  
 398 consistent with s. 163.3167(5). Review of a request for an  
 399 amendment to a binding letter of vested rights may not include a  
 400 review of the impacts created by previously vested portions of



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401 the development ~~Unless a developer waives the requirements of~~  
402 ~~this paragraph by agreeing to undergo development of regional~~  
403 ~~impact review pursuant to this section, the state land planning~~  
404 ~~agency or local government with jurisdiction over the land on~~  
405 ~~which a development is proposed may require a developer to~~  
406 ~~obtain a binding letter if the development is at a presumptive~~  
407 ~~numerical threshold or up to 20 percent above a numerical~~  
408 ~~threshold in the guidelines and standards.~~

409 ~~(c) Any local government may petition the state land~~  
410 ~~planning agency to require a developer of a development located~~  
411 ~~in an adjacent jurisdiction to obtain a binding letter of~~  
412 ~~interpretation. The petition shall contain facts to support a~~  
413 ~~finding that the development as proposed is a development of~~  
414 ~~regional impact. This paragraph shall not be construed to grant~~  
415 ~~standing to the petitioning local government to initiate an~~  
416 ~~administrative or judicial proceeding pursuant to this chapter.~~

417 ~~(d) A request for a binding letter of interpretation shall~~  
418 ~~be in writing and in such form and content as prescribed by the~~  
419 ~~state land planning agency. Within 15 days of receiving an~~  
420 ~~application for a binding letter of interpretation or a~~  
421 ~~supplement to a pending application, the state land planning~~  
422 ~~agency shall determine and notify the applicant whether the~~  
423 ~~information in the application is sufficient to enable the~~  
424 ~~agency to issue a binding letter or shall request any additional~~  
425 ~~information needed. The applicant shall either provide the~~

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426 ~~additional information requested or shall notify the state land~~  
 427 ~~planning agency in writing that the information will not be~~  
 428 ~~supplied and the reasons therefor. If the applicant does not~~  
 429 ~~respond to the request for additional information within 120~~  
 430 ~~days, the application for a binding letter of interpretation~~  
 431 ~~shall be deemed to be withdrawn. Within 35 days after~~  
 432 ~~acknowledging receipt of a sufficient application, or of~~  
 433 ~~receiving notification that the information will not be~~  
 434 ~~supplied, the state land planning agency shall issue a binding~~  
 435 ~~letter of interpretation with respect to the proposed~~  
 436 ~~development. A binding letter of interpretation issued by the~~  
 437 ~~state land planning agency shall bind all state, regional, and~~  
 438 ~~local agencies, as well as the developer.~~

439 ~~(c) In determining whether a proposed substantial change~~  
 440 ~~to a development of regional impact concerning which rights had~~  
 441 ~~previously vested pursuant to subsection (20) would divest such~~  
 442 ~~rights, the state land planning agency shall review the proposed~~  
 443 ~~change within the context of:~~

- 444 ~~1. Criteria specified in paragraph (19) (b);~~
- 445 ~~2. Its conformance with any adopted state comprehensive~~  
 446 ~~plan and any rules of the state land planning agency;~~
- 447 ~~3. All rights and obligations arising out of the vested~~  
 448 ~~status of such development;~~
- 449 ~~4. Permit conditions or requirements imposed by the~~  
 450 ~~Department of Environmental Protection or any water management~~

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451 ~~district created by s. 373.069 or any of their successor~~  
452 ~~agencies or by any appropriate federal regulatory agency; and~~

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

454 ~~(f) If a proposed substantial change to a development of~~  
455 ~~regional impact concerning which rights had previously vested~~  
456 ~~pursuant to subsection (20) would result in reduced regional~~  
457 ~~impacts, the change shall not divest rights to complete the~~  
458 ~~development pursuant to subsection (20). Furthermore, where all~~  
459 ~~or a portion of the development of regional impact for which~~  
460 ~~rights had previously vested pursuant to subsection (20) is~~  
461 ~~demolished and reconstructed within the same approximate~~  
462 ~~footprint of buildings and parking lots, so that any change in~~  
463 ~~the size of the development does not exceed the criteria of~~  
464 ~~paragraph (19) (b), such demolition and reconstruction shall not~~  
465 ~~divest the rights which had vested.~~

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

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

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

475 ~~(d)~~ (h) The expiration date of a binding letter begins,

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476 ~~established pursuant to paragraph (g), shall begin~~ to run after  
477 final disposition of all administrative and judicial appeals of  
478 the binding letter and may be extended by mutual agreement of  
479 the state land planning agency, the local government of  
480 jurisdiction, and the developer.

481 ~~(e)(i) In response to an inquiry from a developer or the~~  
482 ~~appropriate local government having jurisdiction, the state land~~  
483 ~~planning agency may issue~~ An informal determination by the state  
484 land planning agency, in the form of a clearance letter as to  
485 whether a development is required to undergo development-of-  
486 regional-impact review or whether the amount of development that  
487 remains to be built in an approved development of regional  
488 impact, remains valid unless it expired on or before the  
489 effective date of this act ~~meets the criteria of subparagraph~~  
490 ~~(15)(g)3. A clearance letter may be based solely on the~~  
491 ~~information provided by the developer, and the state land~~  
492 ~~planning agency is not required to conduct an investigation of~~  
493 ~~that information. If any material information provided by the~~  
494 ~~developer is incomplete or inaccurate, the clearance letter is~~  
495 ~~not binding upon the state land planning agency. A clearance~~  
496 ~~letter does not constitute final agency action.~~

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

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

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501 ~~requirements of this section.~~

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

505 ~~(b) State or regional agencies may inquire whether a~~  
506 ~~proposed project is undergoing or will be required to undergo~~  
507 ~~development of regional impact review. If a project is~~  
508 ~~undergoing or will be required to undergo development of~~  
509 ~~regional impact review, any state or regional permit necessary~~  
510 ~~for the construction or operation of the project that is valid~~  
511 ~~for 5 years or less shall take effect, and the period of time~~  
512 ~~for which the permit is valid shall begin to run, upon~~  
513 ~~expiration of the time allowed for an administrative appeal of~~  
514 ~~the development or upon final action following an administrative~~  
515 ~~appeal or judicial review, whichever is later. However, if the~~  
516 ~~application for development approval is not filed within 18~~  
517 ~~months after the issuance of the permit, the time of validity of~~  
518 ~~the permit shall be considered to be from the date of issuance~~  
519 ~~of the permit. If a project is required to obtain a binding~~  
520 ~~letter under subsection (4), any state or regional agency permit~~  
521 ~~necessary for the construction or operation of the project that~~  
522 ~~is valid for 5 years or less shall take effect, and the period~~  
523 ~~of time for which the permit is valid shall begin to run, only~~  
524 ~~after the developer obtains a binding letter stating that the~~  
525 ~~project is not required to undergo development of regional-~~

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526 ~~impact review or after the developer obtains a development order~~  
527 ~~pursuant to this section.~~

528 ~~(c) Prior to the issuance of a final development order,~~  
529 ~~the developer may elect to be bound by the rules adopted~~  
530 ~~pursuant to chapters 373 and 403 in effect when such development~~  
531 ~~order is issued. The rules adopted pursuant to chapters 373 and~~  
532 ~~403 in effect at the time such development order is issued shall~~  
533 ~~be applicable to all applications for permits pursuant to those~~  
534 ~~chapters and which are necessary for and consistent with the~~  
535 ~~development authorized in such development order, except that a~~  
536 ~~later adopted rule shall be applicable to an application if:~~

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

540 ~~2. The later adopted rule is adopted pursuant to s.~~  
541 ~~403.061(27);~~

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

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

546 ~~5. The later adopted rule is required by state or federal~~  
547 ~~law.~~

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

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551  
552 ~~Further, in order for any developer to apply for permits~~  
553 ~~pursuant to this provision, the application must be filed within~~  
554 ~~5 years from the issuance of the final development order and the~~  
555 ~~permit shall not be effective for more than 8 years from the~~  
556 ~~issuance of the final development order. Nothing in this~~  
557 ~~paragraph shall be construed to alter or change any permitting~~  
558 ~~agency's authority to approve permits or to determine applicable~~  
559 ~~criteria for longer periods of time.~~

560 ~~(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT~~  
561 ~~PLAN AMENDMENTS.—~~

562 ~~(a) Prior to undertaking any development, a developer that~~  
563 ~~is required to undergo development of regional impact review~~  
564 ~~shall file an application for development approval with the~~  
565 ~~appropriate local government having jurisdiction. The~~  
566 ~~application shall contain, in addition to such other matters as~~  
567 ~~may be required, a statement that the developer proposes to~~  
568 ~~undertake a development of regional impact as required under~~  
569 ~~this section.~~

570 ~~(b) Any local government comprehensive plan amendments~~  
571 ~~related to a proposed development of regional impact, including~~  
572 ~~any changes proposed under subsection (19), may be initiated by~~  
573 ~~a local planning agency or the developer and must be considered~~  
574 ~~by the local governing body at the same time as the application~~  
575 ~~for development approval using the procedures provided for local~~

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576 ~~plan amendment in s. 163.3184 and applicable local ordinances,~~  
577 ~~without regard to local limits on the frequency of consideration~~  
578 ~~of amendments to the local comprehensive plan. This paragraph~~  
579 ~~does not require favorable consideration of a plan amendment~~  
580 ~~solely because it is related to a development of regional~~  
581 ~~impact. The procedure for processing such comprehensive plan~~  
582 ~~amendments is as follows:~~

583       ~~1. If a developer seeks a comprehensive plan amendment~~  
584 ~~related to a development of regional impact, the developer must~~  
585 ~~so notify in writing the regional planning agency, the~~  
586 ~~applicable local government, and the state land planning agency~~  
587 ~~no later than the date of preapplication conference or the~~  
588 ~~submission of the proposed change under subsection (19).~~

589       ~~2. When filing the application for development approval or~~  
590 ~~the proposed change, the developer must include a written~~  
591 ~~request for comprehensive plan amendments that would be~~  
592 ~~necessitated by the development of regional impact approvals~~  
593 ~~sought. That request must include data and analysis upon which~~  
594 ~~the applicable local government can determine whether to~~  
595 ~~transmit the comprehensive plan amendment pursuant to s.~~  
596 ~~163.3184.~~

597       ~~3. The local government must advertise a public hearing on~~  
598 ~~the transmittal within 30 days after filing the application for~~  
599 ~~development approval or the proposed change and must make a~~  
600 ~~determination on the transmittal within 60 days after the~~



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601 ~~initial filing unless that time is extended by the developer.~~

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

604 ~~5. Notwithstanding subsection (11) or subsection (19), the~~  
605 ~~local government may not hold a public hearing on the~~  
606 ~~application for development approval or the proposed change or~~  
607 ~~on the comprehensive plan amendments sooner than 30 days after~~  
608 ~~reviewing agency comments are due to the local government~~  
609 ~~pursuant to s. 163.3184.~~

610 ~~6. The local government must hear both the application for~~  
611 ~~development approval or the proposed change and the~~  
612 ~~comprehensive plan amendments at the same hearing. However, the~~  
613 ~~local government must take action separately on the application~~  
614 ~~for development approval or the proposed change and on the~~  
615 ~~comprehensive plan amendments.~~

616 ~~7. Thereafter, the appeal process for the local government~~  
617 ~~development order must follow the provisions of s. 380.07, and~~  
618 ~~the compliance process for the comprehensive plan amendments~~  
619 ~~must follow the provisions of s. 163.3184.~~

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

621 ~~(a) Before filing an application for development approval,~~  
622 ~~the developer shall contact the regional planning agency having~~  
623 ~~jurisdiction over the proposed development to arrange a~~  
624 ~~preapplication conference. Upon the request of the developer or~~  
625 ~~the regional planning agency, other affected state and regional~~

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626 | ~~agencies shall participate in this conference and shall identify~~  
627 | ~~the types of permits issued by the agencies, the level of~~  
628 | ~~information required, and the permit issuance procedures as~~  
629 | ~~applied to the proposed development. The levels of service~~  
630 | ~~required in the transportation methodology shall be the same~~  
631 | ~~levels of service used to evaluate concurrency in accordance~~  
632 | ~~with s. 163.3180. The regional planning agency shall provide the~~  
633 | ~~developer information about the development of regional impact~~  
634 | ~~process and the use of preapplication conferences to identify~~  
635 | ~~issues, coordinate appropriate state and local agency~~  
636 | ~~requirements, and otherwise promote a proper and efficient~~  
637 | ~~review of the proposed development. If an agreement is reached~~  
638 | ~~regarding assumptions and methodology to be used in the~~  
639 | ~~application for development approval, the reviewing agencies may~~  
640 | ~~not subsequently object to those assumptions and methodologies~~  
641 | ~~unless subsequent changes to the project or information obtained~~  
642 | ~~during the review make those assumptions and methodologies~~  
643 | ~~inappropriate. The reviewing agencies may make only~~  
644 | ~~recommendations or comments regarding a proposed development~~  
645 | ~~which are consistent with the statutes, rules, or adopted local~~  
646 | ~~government ordinances that are applicable to developments in the~~  
647 | ~~jurisdiction where the proposed development is located.~~

648 | ~~(b) The regional planning agency shall establish by rule a~~  
649 | ~~procedure by which a developer may enter into binding written~~  
650 | ~~agreements with the regional planning agency to eliminate~~

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651 ~~questions from the application for development approval when~~  
652 ~~those questions are found to be unnecessary for development of~~  
653 ~~regional-impact review. It is the legislative intent of this~~  
654 ~~subsection to encourage reduction of paperwork, to discourage~~  
655 ~~unnecessary gathering of data, and to encourage the coordination~~  
656 ~~of the development of regional-impact review process with~~  
657 ~~federal, state, and local environmental reviews when such~~  
658 ~~reviews are required by law.~~

659 ~~(c) If the application for development approval is not~~  
660 ~~submitted within 1 year after the date of the preapplication~~  
661 ~~conference, the regional planning agency, the local government~~  
662 ~~having jurisdiction, or the applicant may request that another~~  
663 ~~preapplication conference be held.~~

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

665 ~~(a) A developer may enter into a written preliminary~~  
666 ~~development agreement with the state land planning agency to~~  
667 ~~allow a developer to proceed with a limited amount of the total~~  
668 ~~proposed development, subject to all other governmental~~  
669 ~~approvals and solely at the developer's own risk, prior to~~  
670 ~~issuance of a final development order. All owners of the land in~~  
671 ~~the total proposed development shall join the developer as~~  
672 ~~parties to the agreement. Each agreement shall include and be~~  
673 ~~subject to the following conditions:~~

674 ~~1. The developer shall comply with the preapplication~~  
675 ~~conference requirements pursuant to subsection (7) within 45~~

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676 | ~~days after the execution of the agreement.~~

677 |       ~~2. The developer shall file an application for development~~  
678 | ~~approval for the total proposed development within 3 months~~  
679 | ~~after execution of the agreement, unless the state land planning~~  
680 | ~~agency agrees to a different time for good cause shown. Failure~~  
681 | ~~to timely file an application and to otherwise diligently~~  
682 | ~~proceed in good faith to obtain a final development order shall~~  
683 | ~~constitute a breach of the preliminary development agreement.~~

684 |       ~~3. The agreement shall include maps and legal descriptions~~  
685 | ~~of both the preliminary development area and the total proposed~~  
686 | ~~development area and shall specifically describe the preliminary~~  
687 | ~~development in terms of magnitude and location. The area~~  
688 | ~~approved for preliminary development must be included in the~~  
689 | ~~application for development approval and shall be subject to the~~  
690 | ~~terms and conditions of the final development order.~~

691 |       ~~4. The preliminary development shall be limited to lands~~  
692 | ~~that the state land planning agency agrees are suitable for~~  
693 | ~~development and shall only be allowed in areas where adequate~~  
694 | ~~public infrastructure exists to accommodate the preliminary~~  
695 | ~~development, when such development will utilize public~~  
696 | ~~infrastructure. The developer must also demonstrate that the~~  
697 | ~~preliminary development will not result in material adverse~~  
698 | ~~impacts to existing resources or existing or planned facilities.~~

699 |       ~~5. The preliminary development agreement may allow~~  
700 | ~~development which is:~~

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

704 ~~b. Less than 120 percent of any applicable threshold if~~  
705 ~~the developer demonstrates that such development is part of a~~  
706 ~~proposed downtown development of regional impact specified in~~  
707 ~~subsection (22) or part of any areawide development of regional~~  
708 ~~impact specified in subsection (25) and that the development is~~  
709 ~~consistent with subparagraph 4.~~

710 ~~6. The developer and owners of the land may not claim~~  
711 ~~vested rights, or assert equitable estoppel, arising from the~~  
712 ~~agreement or any expenditures or actions taken in reliance on~~  
713 ~~the agreement to continue with the total proposed development~~  
714 ~~beyond the preliminary development. The agreement shall not~~  
715 ~~entitle the developer to a final development order approving the~~  
716 ~~total proposed development or to particular conditions in a~~  
717 ~~final development order.~~

718 ~~7. The agreement shall not prohibit the regional planning~~  
719 ~~agency from reviewing or commenting on any regional issue that~~  
720 ~~the regional agency determines should be included in the~~  
721 ~~regional agency's report on the application for development~~  
722 ~~approval.~~

723 ~~8. The agreement shall include a disclosure by the~~  
724 ~~developer and all the owners of the land in the total proposed~~  
725 ~~development of all land or development within 5 miles of the~~

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726 ~~total proposed development in which they have an interest and~~  
727 ~~shall describe such interest.~~

728 ~~9. In the event of a breach of the agreement or failure to~~  
729 ~~comply with any condition of the agreement, or if the agreement~~  
730 ~~was based on materially inaccurate information, the state land~~  
731 ~~planning agency may terminate the agreement or file suit to~~  
732 ~~enforce the agreement as provided in this section and s. 380.11,~~  
733 ~~including a suit to enjoin all development.~~

734 ~~10. A notice of the preliminary development agreement~~  
735 ~~shall be recorded by the developer in accordance with s. 28.222~~  
736 ~~with the clerk of the circuit court for each county in which~~  
737 ~~land covered by the terms of the agreement is located. The~~  
738 ~~notice shall include a legal description of the land covered by~~  
739 ~~the agreement and shall state the parties to the agreement, the~~  
740 ~~date of adoption of the agreement and any subsequent amendments,~~  
741 ~~the location where the agreement may be examined, and that the~~  
742 ~~agreement constitutes a land development regulation applicable~~  
743 ~~to portions of the land covered by the agreement. The provisions~~  
744 ~~of the agreement shall inure to the benefit of and be binding~~  
745 ~~upon successors and assigns of the parties in the agreement.~~

746 ~~11. Except for those agreements which authorize~~  
747 ~~preliminary development for substantial deviations pursuant to~~  
748 ~~subsection (19), a developer who no longer wishes to pursue a~~  
749 ~~development of regional impact may propose to abandon any~~  
750 ~~preliminary development agreement executed after January 1,~~

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751 ~~1985, including those pursuant to s. 380.032(3), provided at the~~  
752 ~~time of abandonment:~~

753 ~~a. A final development order under this section has been~~  
754 ~~rendered that approves all of the development actually~~  
755 ~~constructed; or~~

756 ~~b. The amount of development is less than 100 percent of~~  
757 ~~all numerical thresholds of the guidelines and standards, and~~  
758 ~~the state land planning agency determines in writing that the~~  
759 ~~development to date is in compliance with all applicable local~~  
760 ~~regulations and the terms and conditions of the preliminary~~  
761 ~~development agreement and otherwise adequately mitigates for the~~  
762 ~~impacts of the development to date.~~

763  
764 ~~In either event, when a developer proposes to abandon said~~  
765 ~~agreement, the developer shall give written notice and state~~  
766 ~~that he or she is no longer proposing a development of regional~~  
767 ~~impact and provide adequate documentation that he or she has met~~  
768 ~~the criteria for abandonment of the agreement to the state land~~  
769 ~~planning agency. Within 30 days of receipt of adequate~~  
770 ~~documentation of such notice, the state land planning agency~~  
771 ~~shall make its determination as to whether or not the developer~~  
772 ~~meets the criteria for abandonment. Once the state land planning~~  
773 ~~agency determines that the developer meets the criteria for~~  
774 ~~abandonment, the state land planning agency shall issue a notice~~  
775 ~~of abandonment which shall be recorded by the developer in~~

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776 ~~accordance with s. 28.222 with the clerk of the circuit court~~  
 777 ~~for each county in which land covered by the terms of the~~  
 778 ~~agreement is located.~~

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

782 ~~(c) The provisions of this subsection shall also be~~  
 783 ~~available to a developer who chooses to seek development~~  
 784 ~~approval of a Florida Quality Development pursuant to s.~~  
 785 ~~380.061.~~

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

787 ~~(a)1. In order to facilitate the planning and preparation~~  
 788 ~~of permit applications for projects that undergo development of~~  
 789 ~~regional impact review, and in order to coordinate the~~  
 790 ~~information required to issue such permits, a developer may~~  
 791 ~~elect to request conceptual agency review under this subsection~~  
 792 ~~either concurrently with development of regional impact review~~  
 793 ~~and comprehensive plan amendments, if applicable, or subsequent~~  
 794 ~~to a preapplication conference held pursuant to subsection (7).~~

795 ~~2. "Conceptual agency review" means general review of the~~  
 796 ~~proposed location, densities, intensity of use, character, and~~  
 797 ~~major design features of a proposed development required to~~  
 798 ~~undergo review under this section for the purpose of considering~~  
 799 ~~whether these aspects of the proposed development comply with~~  
 800 ~~the issuing agency's statutes and rules.~~



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801           ~~3. Conceptual agency review is a licensing action subject~~  
802 ~~to chapter 120, and approval or denial constitutes final agency~~  
803 ~~action, except that the 90-day time period specified in s.~~  
804 ~~120.60(1) shall be tolled for the agency when the affected~~  
805 ~~regional planning agency requests information from the developer~~  
806 ~~pursuant to paragraph (10)(b). If proposed agency action on the~~  
807 ~~conceptual approval is the subject of a proceeding under ss.~~  
808 ~~120.569 and 120.57, final agency action shall be conclusive as~~  
809 ~~to any issues actually raised and adjudicated in the proceeding,~~  
810 ~~and such issues may not be raised in any subsequent proceeding~~  
811 ~~under ss. 120.569 and 120.57 on the proposed development by any~~  
812 ~~parties to the prior proceeding.~~

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

817           ~~(b) The Department of Environmental Protection, each water~~  
818 ~~management district, and each other state or regional agency~~  
819 ~~that requires construction or operation permits shall establish~~  
820 ~~by rule a set of procedures necessary for conceptual agency~~  
821 ~~review for the following permitting activities within their~~  
822 ~~respective regulatory jurisdictions:~~

823           ~~1. The construction and operation of potential sources of~~  
824 ~~water pollution, including industrial wastewater, domestic~~  
825 ~~wastewater, and stormwater.~~

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826           ~~2. Dredging and filling activities.~~

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

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

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

830 ~~requested under subparagraph 3.~~

831

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

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

834 ~~respective regulatory jurisdiction.~~

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

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

837 ~~and application requirements and furnish these requirements to~~

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

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

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

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

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

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

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

845 ~~programs for each agency.~~

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

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

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

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

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

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851 ~~impacts and stating whether the agency intends to grant~~  
852 ~~conceptual approval, with or without conditions, or to deny~~  
853 ~~conceptual approval. If the agency intends to deny conceptual~~  
854 ~~approval, the report shall state the reasons therefor. The~~  
855 ~~agency may require the developer to publish notice of proposed~~  
856 ~~agency action in accordance with s. 403.815.~~

857 ~~(c) An agency's decision to grant conceptual approval~~  
858 ~~shall not relieve the developer of the requirement to obtain a~~  
859 ~~permit and to meet the standards for issuance of a construction~~  
860 ~~or operation permit or to meet the agency's information~~  
861 ~~requirements for such a permit. Nevertheless, there shall be a~~  
862 ~~rebuttable presumption that the developer is entitled to receive~~  
863 ~~a construction or operation permit for an activity for which the~~  
864 ~~agency granted conceptual review approval, to the extent that~~  
865 ~~the project for which the applicant seeks a permit is in~~  
866 ~~accordance with the conceptual approval and with the agency's~~  
867 ~~standards and criteria for issuing a construction or operation~~  
868 ~~permit. The agency may revoke or appropriately modify a valid~~  
869 ~~conceptual approval if the agency shows:~~

870 ~~1. That an applicant or his or her agent has submitted~~  
871 ~~materially false or inaccurate information in the application~~  
872 ~~for conceptual approval;~~

873 ~~2. That the developer has violated a condition of the~~  
874 ~~conceptual approval; or~~

875 ~~3. That the development will cause a violation of the~~

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876 ~~agency's applicable laws or rules.~~

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

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

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

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

888 ~~(b) If a regional planning agency determines that the~~  
889 ~~application for development approval is insufficient for the~~  
890 ~~agency to discharge its responsibilities under subsection (12),~~  
891 ~~it shall provide in writing to the appropriate local government~~  
892 ~~and the applicant a statement of any additional information~~  
893 ~~desired within 30 days of the receipt of the application by the~~  
894 ~~regional planning agency. The applicant may supply the~~  
895 ~~information requested by the regional planning agency and shall~~  
896 ~~communicate its intention to do so in writing to the appropriate~~  
897 ~~local government and the regional planning agency within 5~~  
898 ~~working days of the receipt of the statement requesting such~~  
899 ~~information, or the applicant shall notify the appropriate local~~  
900 ~~government and the regional planning agency in writing that the~~

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901 ~~requested information will not be supplied. Within 30 days after~~  
902 ~~receipt of such additional information, the regional planning~~  
903 ~~agency shall review it and may request only that information~~  
904 ~~needed to clarify the additional information or to answer new~~  
905 ~~questions raised by, or directly related to, the additional~~  
906 ~~information. The regional planning agency may request additional~~  
907 ~~information no more than twice, unless the developer waives this~~  
908 ~~limitation. If an applicant does not provide the information~~  
909 ~~requested by a regional planning agency within 120 days of its~~  
910 ~~request, or within a time agreed upon by the applicant and the~~  
911 ~~regional planning agency, the application shall be considered~~  
912 ~~withdrawn.~~

913 ~~(c) The regional planning agency shall notify the local~~  
914 ~~government that a public hearing date may be set when the~~  
915 ~~regional planning agency determines that the application is~~  
916 ~~sufficient or when it receives notification from the developer~~  
917 ~~that the additional requested information will not be supplied,~~  
918 ~~as provided for in paragraph (b).~~

919 ~~(11) LOCAL NOTICE. Upon receipt of the sufficiency~~  
920 ~~notification from the regional planning agency required by~~  
921 ~~paragraph (10) (c), the appropriate local government shall give~~  
922 ~~notice and hold a public hearing on the application in the same~~  
923 ~~manner as for a rezoning as provided under the appropriate~~  
924 ~~special or local law or ordinance, except that such hearing~~  
925 ~~proceedings shall be recorded by tape or a certified court~~

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926 ~~reporter and made available for transcription at the expense of~~  
927 ~~any interested party. When a development of regional impact is~~  
928 ~~proposed within the jurisdiction of more than one local~~  
929 ~~government, the local governments, at the request of the~~  
930 ~~developer, may hold a joint public hearing. The local government~~  
931 ~~shall comply with the following additional requirements:~~

932 ~~(a) The notice of public hearing shall state that the~~  
933 ~~proposed development is undergoing a development of regional~~  
934 ~~impact review.~~

935 ~~(b) The notice shall be published at least 60 days in~~  
936 ~~advance of the hearing and shall specify where the information~~  
937 ~~and reports on the development of regional impact application~~  
938 ~~may be reviewed.~~

939 ~~(c) The notice shall be given to the state land planning~~  
940 ~~agency, to the applicable regional planning agency, to any state~~  
941 ~~or regional permitting agency participating in a conceptual~~  
942 ~~agency review process under subsection (9), and to such other~~  
943 ~~persons as may have been designated by the state land planning~~  
944 ~~agency as entitled to receive such notices.~~

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

950 ~~(12) REGIONAL REPORTS.—~~

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951 ~~(a) Within 50 days after receipt of the notice of public~~  
952 ~~hearing required in paragraph (11)(c), the regional planning~~  
953 ~~agency, if one has been designated for the area including the~~  
954 ~~local government, shall prepare and submit to the local~~  
955 ~~government a report and recommendations on the regional impact~~  
956 ~~of the proposed development. In preparing its report and~~  
957 ~~recommendations, the regional planning agency shall identify~~  
958 ~~regional issues based upon the following review criteria and~~  
959 ~~make recommendations to the local government on these regional~~  
960 ~~issues, specifically considering whether, and the extent to~~  
961 ~~which:~~

962 ~~1. The development will have a favorable or unfavorable~~  
963 ~~impact on state or regional resources or facilities identified~~  
964 ~~in the applicable state or regional plans. As used in this~~  
965 ~~subsection, the term "applicable state plan" means the state~~  
966 ~~comprehensive plan. As used in this subsection, the term~~  
967 ~~"applicable regional plan" means an adopted strategic regional~~  
968 ~~policy plan.~~

969 ~~2. The development will significantly impact adjacent~~  
970 ~~jurisdictions. At the request of the appropriate local~~  
971 ~~government, regional planning agencies may also review and~~  
972 ~~comment upon issues that affect only the requesting local~~  
973 ~~government.~~

974 ~~3. As one of the issues considered in the review in~~  
975 ~~subparagraphs 1. and 2., the development will favorably or~~

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976 ~~adversely affect the ability of people to find adequate housing~~  
977 ~~reasonably accessible to their places of employment if the~~  
978 ~~regional planning agency has adopted an affordable housing~~  
979 ~~policy as part of its strategic regional policy plan. The~~  
980 ~~determination should take into account information on factors~~  
981 ~~that are relevant to the availability of reasonably accessible~~  
982 ~~adequate housing. Adequate housing means housing that is~~  
983 ~~available for occupancy and that is not substandard.~~

984 ~~(b) The regional planning agency report must contain~~  
985 ~~recommendations that are consistent with the standards required~~  
986 ~~by the applicable state permitting agencies or the water~~  
987 ~~management district.~~

988 ~~(c) At the request of the regional planning agency, other~~  
989 ~~appropriate agencies shall review the proposed development and~~  
990 ~~shall prepare reports and recommendations on issues that are~~  
991 ~~clearly within the jurisdiction of those agencies. Such agency~~  
992 ~~reports shall become part of the regional planning agency~~  
993 ~~report; however, the regional planning agency may attach~~  
994 ~~dissenting views. When water management district and Department~~  
995 ~~of Environmental Protection permits have been issued pursuant to~~  
996 ~~chapter 373 or chapter 403, the regional planning council may~~  
997 ~~comment on the regional implications of the permits but may not~~  
998 ~~offer conflicting recommendations.~~

999 ~~(d) The regional planning agency shall afford the~~  
1000 ~~developer or any substantially affected party reasonable~~



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1001 ~~opportunity to present evidence to the regional planning agency~~  
 1002 ~~head relating to the proposed regional agency report and~~  
 1003 ~~recommendations.~~

1004 ~~(c) If the location of a proposed development involves~~  
 1005 ~~land within the boundaries of multiple regional planning~~  
 1006 ~~councils, the state land planning agency shall designate a lead~~  
 1007 ~~regional planning council. The lead regional planning council~~  
 1008 ~~shall prepare the regional report.~~

1009 ~~(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN. If the~~  
 1010 ~~development is in an area of critical state concern, the local~~  
 1011 ~~government shall approve it only if it complies with the land~~  
 1012 ~~development regulations therefor under s. 380.05 and the~~  
 1013 ~~provisions of this section. The provisions of this section shall~~  
 1014 ~~not apply to developments in areas of critical state concern~~  
 1015 ~~which had pending applications and had been noticed or agendaed~~  
 1016 ~~by local government after September 1, 1985, and before October~~  
 1017 ~~1, 1985, for development order approval. In all such cases, the~~  
 1018 ~~state land planning agency may consider and address applicable~~  
 1019 ~~regional issues contained in subsection (12) as part of its~~  
 1020 ~~area of critical state concern review pursuant to ss. 380.05,~~  
 1021 ~~380.07, and 380.11.~~

1022 ~~(14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN. If~~  
 1023 ~~the development is not located in an area of critical state~~  
 1024 ~~concern, in considering whether the development is approved,~~  
 1025 ~~denied, or approved subject to conditions, restrictions, or~~

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1026 ~~limitations, the local government shall consider whether, and~~  
 1027 ~~the extent to which:~~

1028 ~~(a) The development is consistent with the local~~  
 1029 ~~comprehensive plan and local land development regulations.~~

1030 ~~(b) The development is consistent with the report and~~  
 1031 ~~recommendations of the regional planning agency submitted~~  
 1032 ~~pursuant to subsection (12).~~

1033 ~~(c) The development is consistent with the State~~  
 1034 ~~Comprehensive Plan. In consistency determinations, the plan~~  
 1035 ~~shall be construed and applied in accordance with s. 187.101(3).~~

1036  
 1037 ~~However, a local government may approve a change to a~~  
 1038 ~~development authorized as a development of regional impact if~~  
 1039 ~~the change has the effect of reducing the originally approved~~  
 1040 ~~height, density, or intensity of the development and if the~~  
 1041 ~~revised development would have been consistent with the~~  
 1042 ~~comprehensive plan in effect when the development was originally~~  
 1043 ~~approved. If the revised development is approved, the developer~~  
 1044 ~~may proceed as provided in s. 163.3167(5).~~

1045 ~~(4)(15)~~ LOCAL GOVERNMENT DEVELOPMENT ORDER.—

1046 (a) Notwithstanding any provision of any adopted local  
 1047 comprehensive plan or adopted local government land development  
 1048 regulation to the contrary, an amendment to a development order  
 1049 for an approved development of regional impact adopted pursuant  
 1050 to subsection (7) may not amend to an earlier date the

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1051 ~~appropriate local government shall render a decision on the~~  
1052 ~~application within 30 days after the hearing unless an extension~~  
1053 ~~is requested by the developer.~~

1054 ~~(b) When possible, local governments shall issue~~  
1055 ~~development orders concurrently with any other local permits or~~  
1056 ~~development approvals that may be applicable to the proposed~~  
1057 ~~development.~~

1058 ~~(c) The development order shall include findings of fact~~  
1059 ~~and conclusions of law consistent with subsections (13) and~~  
1060 ~~(14). The development order:~~

1061 ~~1. Shall specify the monitoring procedures and the local~~  
1062 ~~official responsible for assuring compliance by the developer~~  
1063 ~~with the development order.~~

1064 ~~2. Shall establish compliance dates for the development~~  
1065 ~~order, including a deadline for commencing physical development~~  
1066 ~~and for compliance with conditions of approval or phasing~~  
1067 ~~requirements, and shall include a buildout date that reasonably~~  
1068 ~~reflects the time anticipated to complete the development.~~

1069 ~~3. Shall establish a date until which the local government~~  
1070 ~~agrees that the approved development of regional impact will~~  
1071 ~~shall not be subject to downzoning, unit density reduction, or~~  
1072 ~~intensity reduction, unless the local government can demonstrate~~  
1073 ~~that substantial changes in the conditions underlying the~~  
1074 ~~approval of the development order have occurred or the~~  
1075 ~~development order was based on substantially inaccurate~~

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1076 information provided by the developer or that the change is  
 1077 clearly established by local government to be essential to the  
 1078 public health, safety, or welfare. The date established pursuant  
 1079 to this paragraph may not be ~~subparagraph~~ shall be no sooner  
 1080 than the buildout date of the project.

1081 ~~4. Shall specify the requirements for the biennial report~~  
 1082 ~~designated under subsection (18), including the date of~~  
 1083 ~~submission, parties to whom the report is submitted, and~~  
 1084 ~~contents of the report, based upon the rules adopted by the~~  
 1085 ~~state land planning agency. Such rules shall specify the scope~~  
 1086 ~~of any additional local requirements that may be necessary for~~  
 1087 ~~the report.~~

1088 ~~5. May specify the types of changes to the development~~  
 1089 ~~which shall require submission for a substantial deviation~~  
 1090 ~~determination or a notice of proposed change under subsection~~  
 1091 ~~(19).~~

1092 ~~6. Shall include a legal description of the property.~~

1093 ~~(d) Conditions of a development order that require a~~  
 1094 ~~developer to contribute land for a public facility or construct,~~  
 1095 ~~expand, or pay for land acquisition or construction or expansion~~  
 1096 ~~of a public facility, or portion thereof, shall meet the~~  
 1097 ~~following criteria:~~

1098 ~~1. The need to construct new facilities or add to the~~  
 1099 ~~present system of public facilities must be reasonably~~  
 1100 ~~attributable to the proposed development.~~

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1101 ~~2. Any contribution of funds, land, or public facilities~~  
 1102 ~~required from the developer shall be comparable to the amount of~~  
 1103 ~~funds, land, or public facilities that the state or the local~~  
 1104 ~~government would reasonably expect to expend or provide, based~~  
 1105 ~~on projected costs of comparable projects, to mitigate the~~  
 1106 ~~impacts reasonably attributable to the proposed development.~~

1107 ~~3. Any funds or lands contributed must be expressly~~  
 1108 ~~designated and used to mitigate impacts reasonably attributable~~  
 1109 ~~to the proposed development.~~

1110 ~~4. Construction or expansion of a public facility by a~~  
 1111 ~~nongovernmental developer as a condition of a development order~~  
 1112 ~~to mitigate the impacts reasonably attributable to the proposed~~  
 1113 ~~development is not subject to competitive bidding or competitive~~  
 1114 ~~negotiation for selection of a contractor or design professional~~  
 1115 ~~for any part of the construction or design.~~

1116 (b) ~~(e)~~1. A local government may ~~shall~~ not include, as a  
 1117 development order condition for a development of regional  
 1118 impact, any requirement that a developer contribute or pay for  
 1119 land acquisition or construction or expansion of public  
 1120 facilities or portions thereof unless the local government has  
 1121 enacted a local ordinance which requires other development not  
 1122 subject to this section to contribute its proportionate share of  
 1123 the funds, land, or public facilities necessary to accommodate  
 1124 any impacts having a rational nexus to the proposed development,  
 1125 and the need to construct new facilities or add to the present

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1126 | system of public facilities must be reasonably attributable to  
 1127 | the proposed development.

1128 |       2. Selection of a contractor or design professional for  
 1129 | any aspect of construction or design related to the construction  
 1130 | or expansion of a public facility by a nongovernmental developer  
 1131 | which is undertaken as a condition of a development order to  
 1132 | mitigate the impacts reasonably attributable to the proposed  
 1133 | development is not subject to competitive bidding or competitive  
 1134 | negotiation ~~A local government shall not approve a development~~  
 1135 | ~~of regional impact that does not make adequate provision for the~~  
 1136 | ~~public facilities needed to accommodate the impacts of the~~  
 1137 | ~~proposed development unless the local government includes in the~~  
 1138 | ~~development order a commitment by the local government to~~  
 1139 | ~~provide these facilities consistently with the development~~  
 1140 | ~~schedule approved in the development order; however, a local~~  
 1141 | ~~government's failure to meet the requirements of subparagraph 1.~~  
 1142 | ~~and this subparagraph shall not preclude the issuance of a~~  
 1143 | ~~development order where adequate provision is made by the~~  
 1144 | ~~developer for the public facilities needed to accommodate the~~  
 1145 | ~~impacts of the proposed development. Any funds or lands~~  
 1146 | ~~contributed by a developer must be expressly designated and used~~  
 1147 | ~~to accommodate impacts reasonably attributable to the proposed~~  
 1148 | ~~development.~~

1149 |       3. ~~The Department of Economic Opportunity and other state~~  
 1150 | ~~and regional agencies involved in the administration and~~

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1151 ~~implementation of this act shall cooperate and work with units~~  
 1152 ~~of local government in preparing and adopting local impact fee~~  
 1153 ~~and other contribution ordinances.~~

1154 (c) ~~(f)~~ Notice of the adoption of an amendment a  
 1155 ~~development order or the subsequent amendments~~ to an adopted  
 1156 development order shall be recorded by the developer, in  
 1157 accordance with s. 28.222, with the clerk of the circuit court  
 1158 for each county in which the development is located. The notice  
 1159 shall include a legal description of the property covered by the  
 1160 order and shall state which unit of local government adopted the  
 1161 development order, the date of adoption, the date of adoption of  
 1162 any amendments to the development order, the location where the  
 1163 adopted order with any amendments may be examined, and that the  
 1164 development order constitutes a land development regulation  
 1165 applicable to the property. The recording of this notice does  
 1166 ~~shall~~ not constitute a lien, cloud, or encumbrance on real  
 1167 property, or actual or constructive notice of any such lien,  
 1168 cloud, or encumbrance. This paragraph applies only to  
 1169 developments initially approved under this section after July 1,  
 1170 1980. If the local government of jurisdiction rescinds a  
 1171 development order for an approved development of regional impact  
 1172 pursuant to s. 380.115, the developer may record notice of the  
 1173 rescission.

1174 (d) ~~(g)~~ Any agreement entered into by the state land  
 1175 planning agency, the developer, and the A local government with

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1176 respect to an approved development of regional impact previously  
1177 classified as essentially built out, or any other official  
1178 determination that an approved development of regional impact is  
1179 essentially built out, remains valid unless it expired on or  
1180 before the effective date of this act. ~~may not issue a permit~~  
1181 ~~for a development subsequent to the buildout date contained in~~  
1182 ~~the development order unless:~~

1183       1. ~~The proposed development has been evaluated~~  
1184 ~~cumulatively with existing development under the substantial~~  
1185 ~~deviation provisions of subsection (19) after the termination or~~  
1186 ~~expiration date;~~

1187       2. ~~The proposed development is consistent with an~~  
1188 ~~abandonment of development order that has been issued in~~  
1189 ~~accordance with subsection (26);~~

1190       3. ~~The development of regional impact is essentially built~~  
1191 ~~out, in that all the mitigation requirements in the development~~  
1192 ~~order have been satisfied, all developers are in compliance with~~  
1193 ~~all applicable terms and conditions of the development order~~  
1194 ~~except the buildout date, and the amount of proposed development~~  
1195 ~~that remains to be built is less than 40 percent of any~~  
1196 ~~applicable development of regional impact threshold; or~~

1197       4. ~~The project has been determined to be an essentially~~  
1198 ~~built-out development of regional impact through an agreement~~  
1199 ~~executed by the developer, the state land planning agency, and~~  
1200 ~~the local government, in accordance with s. 380.032, which will~~



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1201 ~~establish the terms and conditions under which the development~~  
 1202 ~~may be continued. If the project is determined to be essentially~~  
 1203 ~~built out, development may proceed pursuant to the s. 380.032~~  
 1204 ~~agreement after the termination or expiration date contained in~~  
 1205 ~~the development order without further development of regional-~~  
 1206 ~~impact review subject to the local government comprehensive plan~~  
 1207 ~~and land development regulations. The parties may amend the~~  
 1208 ~~agreement without submission, review, or approval of a~~  
 1209 ~~notification of proposed change pursuant to subsection (19). For~~  
 1210 ~~the purposes of this paragraph, a development of regional impact~~  
 1211 ~~is considered essentially built out, if:~~

1212 ~~a. The developers are in compliance with all applicable~~  
 1213 ~~terms and conditions of the development order except the~~  
 1214 ~~buildout date or reporting requirements; and~~

1215 ~~b. (I) The amount of development that remains to be built~~  
 1216 ~~is less than the substantial deviation threshold specified in~~  
 1217 ~~paragraph (19) (b) for each individual land use category, or, for~~  
 1218 ~~a multiuse development, the sum total of all unbuilt land uses~~  
 1219 ~~as a percentage of the applicable substantial deviation~~  
 1220 ~~threshold is equal to or less than 100 percent; or~~

1221 ~~(II) The state land planning agency and the local~~  
 1222 ~~government have agreed in writing that the amount of development~~  
 1223 ~~to be built does not create the likelihood of any additional~~  
 1224 ~~regional impact not previously reviewed.~~

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1226 ~~The single-family residential portions of a development may be~~  
1227 ~~considered essentially built out if all of the workforce housing~~  
1228 ~~obligations and all of the infrastructure and horizontal~~  
1229 ~~development have been completed, at least 50 percent of the~~  
1230 ~~dwelling units have been completed, and more than 80 percent of~~  
1231 ~~the lots have been conveyed to third-party individual lot owners~~  
1232 ~~or to individual builders who own no more than 40 lots at the~~  
1233 ~~time of the determination. The mobile home park portions of a~~  
1234 ~~development may be considered essentially built out if all the~~  
1235 ~~infrastructure and horizontal development has been completed,~~  
1236 ~~and at least 50 percent of the lots are leased to individual~~  
1237 ~~mobile home owners. In order to accommodate changing market~~  
1238 ~~demands and achieve maximum land use efficiency in an~~  
1239 ~~essentially built out project, when a developer is building out~~  
1240 ~~a project, a local government, without the concurrence of the~~  
1241 ~~state land planning agency, may adopt a resolution authorizing~~  
1242 ~~the developer to exchange one approved land use for another~~  
1243 ~~approved land use as specified in the agreement. Before the~~  
1244 ~~issuance of a building permit pursuant to an exchange, the~~  
1245 ~~developer must demonstrate to the local government that the~~  
1246 ~~exchange ratio will not result in a net increase in impacts to~~  
1247 ~~public facilities and will meet all applicable requirements of~~  
1248 ~~the comprehensive plan and land development code. For~~  
1249 ~~developments previously determined to impact strategic~~  
1250 ~~intermodal facilities as defined in s. 339.63, the local~~

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1251 ~~government shall consult with the Department of Transportation~~  
 1252 ~~before approving the exchange.~~

1253 ~~(h) If the property is annexed by another local~~  
 1254 ~~jurisdiction, the annexing jurisdiction shall adopt a new~~  
 1255 ~~development order that incorporates all previous rights and~~  
 1256 ~~obligations specified in the prior development order.~~

1257 ~~(5)~~ (16) CREDITS AGAINST LOCAL IMPACT FEES.—

1258 (a) Notwithstanding any provision of an adopted local  
 1259 comprehensive plan or adopted local government land development  
 1260 regulations to the contrary, the adoption of an amendment to a  
 1261 development order for an approved development of regional impact  
 1262 pursuant to subsection (7) does not diminish or otherwise alter  
 1263 any credits for a development order exaction or fee as against  
 1264 impact fees, mobility fees, or exactions when such credits are  
 1265 based upon the developer's contribution of land or a public  
 1266 facility or the construction, expansion, or payment for land  
 1267 acquisition or construction or expansion of a public facility,  
 1268 or a portion thereof ~~If the development order requires the~~  
 1269 ~~developer to contribute land or a public facility or construct,~~  
 1270 ~~expand, or pay for land acquisition or construction or expansion~~  
 1271 ~~of a public facility, or portion thereof, and the developer is~~  
 1272 ~~also subject by local ordinance to impact fees or exactions to~~  
 1273 ~~meet the same needs, the local government shall establish and~~  
 1274 ~~implement a procedure that credits a development order exaction~~  
 1275 ~~or fee toward an impact fee or exaction imposed by local~~

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1276 ~~ordinance for the same need; however, if the Florida Land and~~  
1277 ~~Water Adjudicatory Commission imposes any additional~~  
1278 ~~requirement, the local government shall not be required to grant~~  
1279 ~~a credit toward the local exaction or impact fee unless the~~  
1280 ~~local government determines that such required contribution,~~  
1281 ~~payment, or construction meets the same need that the local~~  
1282 ~~exaction or impact fee would address. The nongovernmental~~  
1283 ~~developer need not be required, by virtue of this credit, to~~  
1284 ~~competitively bid or negotiate any part of the construction or~~  
1285 ~~design of the facility, unless otherwise requested by the local~~  
1286 ~~government.~~

1287 (b) If the local government imposes or increases an impact  
1288 fee, mobility fee, or exaction by local ordinance after a  
1289 development order has been issued, the developer may petition  
1290 the local government, and the local government shall modify the  
1291 affected provisions of the development order to give the  
1292 developer credit for any contribution of land for a public  
1293 facility, or construction, expansion, or contribution of funds  
1294 for land acquisition or construction or expansion of a public  
1295 facility, or a portion thereof, required by the development  
1296 order toward an impact fee or exaction for the same need.

1297 (c) Any ~~The local government and the developer may enter~~  
1298 ~~into~~ capital contribution front-ending agreement entered into by  
1299 a local government and a developer which is still in effect as  
1300 of the effective date of this act ~~agreements~~ as part of a

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1301 development-of-regional-impact development order to reimburse  
 1302 the developer, or the developer's successor, for voluntary  
 1303 contributions paid in excess of his or her fair share remains  
 1304 valid.

1305 (d) This subsection does not apply to internal, onsite  
 1306 facilities required by local regulations or to any offsite  
 1307 facilities to the extent that such facilities are necessary to  
 1308 provide safe and adequate services to the development.

1309 ~~(17) LOCAL MONITORING. The local government issuing the~~  
 1310 ~~development order is primarily responsible for monitoring the~~  
 1311 ~~development and enforcing the provisions of the development~~  
 1312 ~~order. Local governments shall not issue any permits or~~  
 1313 ~~approvals or provide any extensions of services if the developer~~  
 1314 ~~fails to act in substantial compliance with the development~~  
 1315 ~~order.~~

1316 (6) ~~(18)~~ BIENNIAL REPORTS. Notwithstanding any condition in  
 1317 a development order for an approved development of regional  
 1318 impact, the developer is not required to ~~shall~~ submit an annual  
 1319 or a biennial report on the development of regional impact to  
 1320 the local government, the regional planning agency, the state  
 1321 land planning agency, and all affected permit agencies ~~in~~  
 1322 alternate years on the date specified in the development order,  
 1323 unless required to do so by the local government that has  
 1324 jurisdiction over the development. The penalty for failure to  
 1325 file such a required report is as prescribed by the local

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1326 ~~government development order by its terms requires more frequent~~  
 1327 ~~monitoring. If the report is not received, the state land~~  
 1328 ~~planning agency shall notify the local government. If the local~~  
 1329 ~~government does not receive the report or receives notification~~  
 1330 ~~that the state land planning agency has not received the report,~~  
 1331 ~~the local government shall request in writing that the developer~~  
 1332 ~~submit the report within 30 days. The failure to submit the~~  
 1333 ~~report after 30 days shall result in the temporary suspension of~~  
 1334 ~~the development order by the local government. If no additional~~  
 1335 ~~development pursuant to the development order has occurred since~~  
 1336 ~~the submission of the previous report, then a letter from the~~  
 1337 ~~developer stating that no development has occurred shall satisfy~~  
 1338 ~~the requirement for a report. Development orders that require~~  
 1339 ~~annual reports may be amended to require biennial reports at the~~  
 1340 ~~option of the local government.~~

1341 ~~(7) (19) CHANGES SUBSTANTIAL DEVIATIONS.-~~

1342 (a) Notwithstanding any provision to the contrary in any  
 1343 development order, agreement, local comprehensive plan, or local  
 1344 land development regulation, any proposed change to a previously  
 1345 approved development of regional impact shall be reviewed by the  
 1346 local government based on the standards and procedures in its  
 1347 adopted local comprehensive plan and adopted local land  
 1348 development regulations, including, but not limited to,  
 1349 procedures for notice to the applicant and the public regarding  
 1350 the issuance of development orders. However, a change to a

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1351 development of regional impact that has the effect of reducing  
 1352 the originally approved height, density, or intensity of the  
 1353 development must be reviewed by the local government based on  
 1354 the standards in the local comprehensive plan at the time the  
 1355 development was originally approved, and if the development  
 1356 would have been consistent with the comprehensive plan in effect  
 1357 when the development was originally approved, the local  
 1358 government may approve the change. If the revised development is  
 1359 approved, the developer may proceed as provided in s.  
 1360 163.3167(5). For any proposed change to a previously approved  
 1361 development of regional impact, at least one public hearing must  
 1362 be held on the application for change, and any change must be  
 1363 approved by the local governing body before it becomes  
 1364 effective. The review must abide by any prior agreements or  
 1365 other actions vesting the laws and policies governing the  
 1366 development. Development within the previously approved  
 1367 development of regional impact may continue, as approved, during  
 1368 the review in portions of the development which are not directly  
 1369 affected by the proposed change ~~which creates a reasonable~~  
 1370 ~~likelihood of additional regional impact, or any type of~~  
 1371 ~~regional impact created by the change not previously reviewed by~~  
 1372 ~~the regional planning agency, shall constitute a substantial~~  
 1373 ~~deviation and shall cause the proposed change to be subject to~~  
 1374 ~~further development-of-regional-impact review. There are a~~  
 1375 ~~variety of reasons why a developer may wish to propose changes~~

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1376 ~~to an approved development of regional impact, including changed~~  
1377 ~~market conditions. The procedures set forth in this subsection~~  
1378 ~~are for that purpose.~~

1379 (b) The local government shall either adopt an amendment  
1380 to the development order that approves the application, with or  
1381 without conditions, or deny the application for the proposed  
1382 change. Any new conditions in the amendment to the development  
1383 order issued by the local government may address only those  
1384 impacts directly created by the proposed change, and must be  
1385 consistent with s. 163.3180(5), the adopted comprehensive plan,  
1386 and adopted land development regulations. Changes to a phase  
1387 date, buildout date, expiration date, or termination date may  
1388 also extend any required mitigation associated with a phased  
1389 construction project so that mitigation takes place in the same  
1390 timeframe relative to the impacts as approved ~~Any proposed~~  
1391 ~~change to a previously approved development of regional impact~~  
1392 ~~or development order condition which, either individually or~~  
1393 ~~eumulatively with other changes, exceeds any of the criteria in~~  
1394 ~~subparagraphs 1.-11. constitutes a substantial deviation and~~  
1395 ~~shall cause the development to be subject to further~~  
1396 ~~development of regional impact review through the notice of~~  
1397 ~~proposed change process under this section.~~

1398 ~~1. An increase in the number of parking spaces at an~~  
1399 ~~attraction or recreational facility by 15 percent or 500 spaces,~~  
1400 ~~whichever is greater, or an increase in the number of spectators~~



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1401 ~~that may be accommodated at such a facility by 15 percent or~~  
1402 ~~1,500 spectators, whichever is greater.~~

1403 ~~2. A new runway, a new terminal facility, a 25 percent~~  
1404 ~~lengthening of an existing runway, or a 25 percent increase in~~  
1405 ~~the number of gates of an existing terminal, but only if the~~  
1406 ~~increase adds at least three additional gates.~~

1407 ~~3. An increase in land area for office development by 15~~  
1408 ~~percent or an increase of gross floor area of office development~~  
1409 ~~by 15 percent or 100,000 gross square feet, whichever is~~  
1410 ~~greater.~~

1411 ~~4. An increase in the number of dwelling units by 10~~  
1412 ~~percent or 55 dwelling units, whichever is greater.~~

1413 ~~5. An increase in the number of dwelling units by 50~~  
1414 ~~percent or 200 units, whichever is greater, provided that 15~~  
1415 ~~percent of the proposed additional dwelling units are dedicated~~  
1416 ~~to affordable workforce housing, subject to a recorded land use~~  
1417 ~~restriction that shall be for a period of not less than 20 years~~  
1418 ~~and that includes resale provisions to ensure long term~~  
1419 ~~affordability for income-eligible homeowners and renters and~~  
1420 ~~provisions for the workforce housing to be commenced before the~~  
1421 ~~completion of 50 percent of the market rate dwelling. For~~  
1422 ~~purposes of this subparagraph, the term "affordable workforce~~  
1423 ~~housing" means housing that is affordable to a person who earns~~  
1424 ~~less than 120 percent of the area median income, or less than~~  
1425 ~~140 percent of the area median income if located in a county in~~

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1426 ~~which the median purchase price for a single-family existing~~  
1427 ~~home exceeds the statewide median purchase price of a single-~~  
1428 ~~family existing home. For purposes of this subparagraph, the~~  
1429 ~~term "statewide median purchase price of a single-family~~  
1430 ~~existing home" means the statewide purchase price as determined~~  
1431 ~~in the Florida Sales Report, Single-Family Existing Homes,~~  
1432 ~~released each January by the Florida Association of Realtors and~~  
1433 ~~the University of Florida Real Estate Research Center.~~

1434 ~~6. An increase in commercial development by 60,000 square~~  
1435 ~~feet of gross floor area or of parking spaces provided for~~  
1436 ~~customers for 425 cars or a 10 percent increase, whichever is~~  
1437 ~~greater.~~

1438 ~~7. An increase in a recreational vehicle park area by 10~~  
1439 ~~percent or 110 vehicle spaces, whichever is less.~~

1440 ~~8. A decrease in the area set aside for open space of 5~~  
1441 ~~percent or 20 acres, whichever is less.~~

1442 ~~9. A proposed increase to an approved multiuse development~~  
1443 ~~of regional impact where the sum of the increases of each land~~  
1444 ~~use as a percentage of the applicable substantial deviation~~  
1445 ~~criteria is equal to or exceeds 110 percent. The percentage of~~  
1446 ~~any decrease in the amount of open space shall be treated as an~~  
1447 ~~increase for purposes of determining when 110 percent has been~~  
1448 ~~reached or exceeded.~~

1449 ~~10. A 15 percent increase in the number of external~~  
1450 ~~vehicle trips generated by the development above that which was~~

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1451 ~~projected during the original development of regional impact~~  
1452 ~~review.~~

1453 ~~11. Any change that would result in development of any~~  
1454 ~~area which was specifically set aside in the application for~~  
1455 ~~development approval or in the development order for~~  
1456 ~~preservation or special protection of endangered or threatened~~  
1457 ~~plants or animals designated as endangered, threatened, or~~  
1458 ~~species of special concern and their habitat, any species~~  
1459 ~~protected by 16 U.S.C. ss. 668a-668d, primary dunes, or~~  
1460 ~~archaeological and historical sites designated as significant by~~  
1461 ~~the Division of Historical Resources of the Department of State.~~  
1462 ~~The refinement of the boundaries and configuration of such areas~~  
1463 ~~shall be considered under sub-subparagraph (e)2.j.~~

1464  
1465 ~~The substantial deviation numerical standards in subparagraphs~~  
1466 ~~3., 6., and 9., excluding residential uses, and in subparagraph~~  
1467 ~~10., are increased by 100 percent for a project certified under~~  
1468 ~~s. 403.973 which creates jobs and meets criteria established by~~  
1469 ~~the Department of Economic Opportunity as to its impact on an~~  
1470 ~~area's economy, employment, and prevailing wage and skill~~  
1471 ~~levels. The substantial deviation numerical standards in~~  
1472 ~~subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50~~  
1473 ~~percent for a project located wholly within an urban infill and~~  
1474 ~~redevelopment area designated on the applicable adopted local~~  
1475 ~~comprehensive plan future land use map and not located within~~

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1476 ~~the coastal high hazard area.~~

1477 (c) This section is not intended to alter or otherwise  
 1478 limit the extension, previously granted by statute, of a  
 1479 commencement, buildout, phase, termination, or expiration date  
 1480 in any development order for an approved development of regional  
 1481 impact and any corresponding modification of a related permit or  
 1482 agreement. Any such extension is not subject to review or  
 1483 modification in any future amendment to a development order  
 1484 pursuant to the adopted local comprehensive plan and adopted  
 1485 local land development regulations ~~An extension of the date of~~  
 1486 ~~buildout of a development, or any phase thereof, by more than 7~~  
 1487 ~~years is presumed to create a substantial deviation subject to~~  
 1488 ~~further development of regional impact review.~~

1489 ~~1. An extension of the date of buildout, or any phase~~  
 1490 ~~thereof, of more than 5 years but not more than 7 years is~~  
 1491 ~~presumed not to create a substantial deviation. The extension of~~  
 1492 ~~the date of buildout of an areawide development of regional~~  
 1493 ~~impact by more than 5 years but less than 10 years is presumed~~  
 1494 ~~not to create a substantial deviation. These presumptions may be~~  
 1495 ~~rebutted by clear and convincing evidence at the public hearing~~  
 1496 ~~held by the local government. An extension of 5 years or less is~~  
 1497 ~~not a substantial deviation.~~

1498 ~~2. In recognition of the 2011 real estate market~~  
 1499 ~~conditions, at the option of the developer, all commencement,~~  
 1500 ~~phase, buildout, and expiration dates for projects that are~~

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1501 ~~currently valid developments of regional impact are extended for~~  
1502 ~~4 years regardless of any previous extension. Associated~~  
1503 ~~mitigation requirements are extended for the same period unless,~~  
1504 ~~before December 1, 2011, a governmental entity notifies a~~  
1505 ~~developer that has commenced any construction within the phase~~  
1506 ~~for which the mitigation is required that the local government~~  
1507 ~~has entered into a contract for construction of a facility with~~  
1508 ~~funds to be provided from the development's mitigation funds for~~  
1509 ~~that phase as specified in the development order or written~~  
1510 ~~agreement with the developer. The 4-year extension is not a~~  
1511 ~~substantial deviation, is not subject to further development of~~  
1512 ~~regional-impact review, and may not be considered when~~  
1513 ~~determining whether a subsequent extension is a substantial~~  
1514 ~~deviation under this subsection. The developer must notify the~~  
1515 ~~local government in writing by December 31, 2011, in order to~~  
1516 ~~receive the 4-year extension.~~

1517  
1518 ~~For the purpose of calculating when a buildout or phase date has~~  
1519 ~~been exceeded, the time shall be tolled during the pendency of~~  
1520 ~~administrative or judicial proceedings relating to development~~  
1521 ~~permits. Any extension of the buildout date of a project or a~~  
1522 ~~phase thereof shall automatically extend the commencement date~~  
1523 ~~of the project, the termination date of the development order,~~  
1524 ~~the expiration date of the development of regional impact, and~~  
1525 ~~the phases thereof if applicable by a like period of time.~~

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1526           ~~(d) A change in the plan of development of an approved~~  
1527 ~~development of regional impact resulting from requirements~~  
1528 ~~imposed by the Department of Environmental Protection or any~~  
1529 ~~water management district created by s. 373.069 or any of their~~  
1530 ~~successor agencies or by any appropriate federal regulatory~~  
1531 ~~agency shall be submitted to the local government pursuant to~~  
1532 ~~this subsection. The change shall be presumed not to create a~~  
1533 ~~substantial deviation subject to further development of~~  
1534 ~~regional impact review. The presumption may be rebutted by clear~~  
1535 ~~and convincing evidence at the public hearing held by the local~~  
1536 ~~government.~~

1537           ~~(e)1. Except for a development order rendered pursuant to~~  
1538 ~~subsection (22) or subsection (25), a proposed change to a~~  
1539 ~~development order which individually or cumulatively with any~~  
1540 ~~previous change is less than any numerical criterion contained~~  
1541 ~~in subparagraphs (b)1.-10. and does not exceed any other~~  
1542 ~~criterion, or which involves an extension of the buildout date~~  
1543 ~~of a development, or any phase thereof, of less than 5 years is~~  
1544 ~~not subject to the public hearing requirements of subparagraph~~  
1545 ~~(f)3., and is not subject to a determination pursuant to~~  
1546 ~~subparagraph (f)5. Notice of the proposed change shall be made~~  
1547 ~~to the regional planning council and the state land planning~~  
1548 ~~agency. Such notice must include a description of previous~~  
1549 ~~individual changes made to the development, including changes~~  
1550 ~~previously approved by the local government, and must include~~

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1551 ~~appropriate amendments to the development order.~~

1552       ~~2. The following changes, individually or cumulatively~~

1553 ~~with any previous changes, are not substantial deviations:~~

1554       ~~a. Changes in the name of the project, developer, owner,~~

1555 ~~or monitoring official.~~

1556       ~~b. Changes to a setback which do not affect noise buffers,~~

1557 ~~environmental protection or mitigation areas, or archaeological~~

1558 ~~or historical resources.~~

1559       ~~e. Changes to minimum lot sizes.~~

1560       ~~d. Changes in the configuration of internal roads which do~~

1561 ~~not affect external access points.~~

1562       ~~e. Changes to the building design or orientation which~~

1563 ~~stay approximately within the approved area designated for such~~

1564 ~~building and parking lot, and which do not affect historical~~

1565 ~~buildings designated as significant by the Division of~~

1566 ~~Historical Resources of the Department of State.~~

1567       ~~f. Changes to increase the acreage in the development, if~~

1568 ~~no development is proposed on the acreage to be added.~~

1569       ~~g. Changes to eliminate an approved land use, if there are~~

1570 ~~no additional regional impacts.~~

1571       ~~h. Changes required to conform to permits approved by any~~

1572 ~~federal, state, or regional permitting agency, if these changes~~

1573 ~~do not create additional regional impacts.~~

1574       ~~i. Any renovation or redevelopment of development within a~~

1575 ~~previously approved development of regional impact which does~~

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1576 ~~not change land use or increase density or intensity of use.~~  
1577 ~~j. Changes that modify boundaries and configuration of~~  
1578 ~~areas described in subparagraph (b)11. due to science-based~~  
1579 ~~refinement of such areas by survey, by habitat evaluation, by~~  
1580 ~~other recognized assessment methodology, or by an environmental~~  
1581 ~~assessment. In order for changes to qualify under this sub-~~  
1582 ~~subparagraph, the survey, habitat evaluation, or assessment must~~  
1583 ~~occur before the time that a conservation easement protecting~~  
1584 ~~such lands is recorded and must not result in any net decrease~~  
1585 ~~in the total acreage of the lands specifically set aside for~~  
1586 ~~permanent preservation in the final development order.~~  
1587 ~~k. Changes that do not increase the number of external~~  
1588 ~~peak hour trips and do not reduce open space and conserved areas~~  
1589 ~~within the project except as otherwise permitted by sub-~~  
1590 ~~subparagraph j.~~  
1591 ~~l. A phase date extension, if the state land planning~~  
1592 ~~agency, in consultation with the regional planning council and~~  
1593 ~~subject to the written concurrence of the Department of~~  
1594 ~~Transportation, agrees that the traffic impact is not~~  
1595 ~~significant and adverse under applicable state agency rules.~~  
1596 ~~m. Any other change that the state land planning agency,~~  
1597 ~~in consultation with the regional planning council, agrees in~~  
1598 ~~writing is similar in nature, impact, or character to the~~  
1599 ~~changes enumerated in sub-subparagraphs a.-l. and that does not~~  
1600 ~~create the likelihood of any additional regional impact.~~



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1601  
1602 ~~This subsection does not require the filing of a notice of~~  
1603 ~~proposed change but requires an application to the local~~  
1604 ~~government to amend the development order in accordance with the~~  
1605 ~~local government's procedures for amendment of a development~~  
1606 ~~order. In accordance with the local government's procedures,~~  
1607 ~~including requirements for notice to the applicant and the~~  
1608 ~~public, the local government shall either deny the application~~  
1609 ~~for amendment or adopt an amendment to the development order~~  
1610 ~~which approves the application with or without conditions.~~  
1611 ~~Following adoption, the local government shall render to the~~  
1612 ~~state land planning agency the amendment to the development~~  
1613 ~~order. The state land planning agency may appeal, pursuant to s.~~  
1614 ~~380.07(3), the amendment to the development order if the~~  
1615 ~~amendment involves sub-subparagraph g., sub-subparagraph h.,~~  
1616 ~~sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m.~~  
1617 ~~and if the agency believes that the change creates a reasonable~~  
1618 ~~likelihood of new or additional regional impacts.~~

1619 ~~3. Except for the change authorized by sub-subparagraph~~  
1620 ~~2.f., any addition of land not previously reviewed or any change~~  
1621 ~~not specified in paragraph (b) or paragraph (c) shall be~~  
1622 ~~presumed to create a substantial deviation. This presumption may~~  
1623 ~~be rebutted by clear and convincing evidence.~~

1624 ~~4. Any submittal of a proposed change to a previously~~  
1625 ~~approved development must include a description of individual~~

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1626 ~~changes previously made to the development, including changes~~  
1627 ~~previously approved by the local government. The local~~  
1628 ~~government shall consider the previous and current proposed~~  
1629 ~~changes in deciding whether such changes cumulatively constitute~~  
1630 ~~a substantial deviation requiring further development of~~  
1631 ~~regional impact review.~~

1632 ~~5. The following changes to an approved development of~~  
1633 ~~regional impact shall be presumed to create a substantial~~  
1634 ~~deviation. Such presumption may be rebutted by clear and~~  
1635 ~~convincing evidence:~~

1636 ~~a. A change proposed for 15 percent or more of the acreage~~  
1637 ~~to a land use not previously approved in the development order.~~  
1638 ~~Changes of less than 15 percent shall be presumed not to create~~  
1639 ~~a substantial deviation.~~

1640 ~~b. Notwithstanding any provision of paragraph (b) to the~~  
1641 ~~contrary, a proposed change consisting of simultaneous increases~~  
1642 ~~and decreases of at least two of the uses within an authorized~~  
1643 ~~multiuse development of regional impact which was originally~~  
1644 ~~approved with three or more uses specified in s. 380.0651(3)(c)~~  
1645 ~~and (d) and residential use.~~

1646 ~~6. If a local government agrees to a proposed change, a~~  
1647 ~~change in the transportation proportionate share calculation and~~  
1648 ~~mitigation plan in an adopted development order as a result of~~  
1649 ~~recalculation of the proportionate share contribution meeting~~  
1650 ~~the requirements of s. 163.3180(5)(h) in effect as of the date~~

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1651 ~~of such change shall be presumed not to create a substantial~~  
1652 ~~deviation. For purposes of this subsection, the proposed change~~  
1653 ~~in the proportionate share calculation or mitigation plan may~~  
1654 ~~not be considered an additional regional transportation impact.~~

1655 ~~(f)1. The state land planning agency shall establish by~~  
1656 ~~rule standard forms for submittal of proposed changes to a~~  
1657 ~~previously approved development of regional impact which may~~  
1658 ~~require further development of regional impact review. At a~~  
1659 ~~minimum, the standard form shall require the developer to~~  
1660 ~~provide the precise language that the developer proposes to~~  
1661 ~~delete or add as an amendment to the development order.~~

1662 ~~2. The developer shall submit, simultaneously, to the~~  
1663 ~~local government, the regional planning agency, and the state~~  
1664 ~~land planning agency the request for approval of a proposed~~  
1665 ~~change.~~

1666 ~~3. No sooner than 30 days but no later than 45 days after~~  
1667 ~~submittal by the developer to the local government, the state~~  
1668 ~~land planning agency, and the appropriate regional planning~~  
1669 ~~agency, the local government shall give 15 days' notice and~~  
1670 ~~schedule a public hearing to consider the change that the~~  
1671 ~~developer asserts does not create a substantial deviation. This~~  
1672 ~~public hearing shall be held within 60 days after submittal of~~  
1673 ~~the proposed changes, unless that time is extended by the~~  
1674 ~~developer.~~

1675 ~~4. The appropriate regional planning agency or the state~~

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1676 ~~land planning agency shall review the proposed change and, no~~  
1677 ~~later than 45 days after submittal by the developer of the~~  
1678 ~~proposed change, unless that time is extended by the developer,~~  
1679 ~~and prior to the public hearing at which the proposed change is~~  
1680 ~~to be considered, shall advise the local government in writing~~  
1681 ~~whether it objects to the proposed change, shall specify the~~  
1682 ~~reasons for its objection, if any, and shall provide a copy to~~  
1683 ~~the developer.~~

1684 ~~5. At the public hearing, the local government shall~~  
1685 ~~determine whether the proposed change requires further~~  
1686 ~~development of regional impact review. The provisions of~~  
1687 ~~paragraphs (a) and (c), the thresholds set forth in paragraph~~  
1688 ~~(b), and the presumptions set forth in paragraphs (c) and (d)~~  
1689 ~~and subparagraph (c)3. shall be applicable in determining~~  
1690 ~~whether further development of regional impact review is~~  
1691 ~~required. The local government may also deny the proposed change~~  
1692 ~~based on matters relating to local issues, such as if the land~~  
1693 ~~on which the change is sought is plat restricted in a way that~~  
1694 ~~would be incompatible with the proposed change, and the local~~  
1695 ~~government does not wish to change the plat restriction as part~~  
1696 ~~of the proposed change.~~

1697 ~~6. If the local government determines that the proposed~~  
1698 ~~change does not require further development of regional impact~~  
1699 ~~review and is otherwise approved, or if the proposed change is~~  
1700 ~~not subject to a hearing and determination pursuant to~~

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1701 ~~subparagraphs 3. and 5. and is otherwise approved, the local~~  
1702 ~~government shall issue an amendment to the development order~~  
1703 ~~incorporating the approved change and conditions of approval~~  
1704 ~~relating to the change. The requirement that a change be~~  
1705 ~~otherwise approved shall not be construed to require additional~~  
1706 ~~local review or approval if the change is allowed by applicable~~  
1707 ~~local ordinances without further local review or approval. The~~  
1708 ~~decision of the local government to approve, with or without~~  
1709 ~~conditions, or to deny the proposed change that the developer~~  
1710 ~~asserts does not require further review shall be subject to the~~  
1711 ~~appeal provisions of s. 380.07. However, the state land planning~~  
1712 ~~agency may not appeal the local government decision if it did~~  
1713 ~~not comply with subparagraph 4. The state land planning agency~~  
1714 ~~may not appeal a change to a development order made pursuant to~~  
1715 ~~subparagraph (e)1. or subparagraph (e)2. for developments of~~  
1716 ~~regional impact approved after January 1, 1980, unless the~~  
1717 ~~change would result in a significant impact to a regionally~~  
1718 ~~significant archaeological, historical, or natural resource not~~  
1719 ~~previously identified in the original development of regional-~~  
1720 ~~impact review.~~

1721 ~~(g) If a proposed change requires further development of~~  
1722 ~~regional impact review pursuant to this section, the review~~  
1723 ~~shall be conducted subject to the following additional~~  
1724 ~~conditions:~~

1725 ~~1. The development of regional impact review conducted by~~

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1726 ~~the appropriate regional planning agency shall address only~~  
1727 ~~those issues raised by the proposed change except as provided in~~  
1728 ~~subparagraph 2.~~

1729 ~~2. The regional planning agency shall consider, and the~~  
1730 ~~local government shall determine whether to approve, approve~~  
1731 ~~with conditions, or deny the proposed change as it relates to~~  
1732 ~~the entire development. If the local government determines that~~  
1733 ~~the proposed change, as it relates to the entire development, is~~  
1734 ~~unacceptable, the local government shall deny the change.~~

1735 ~~3. If the local government determines that the proposed~~  
1736 ~~change should be approved, any new conditions in the amendment~~  
1737 ~~to the development order issued by the local government shall~~  
1738 ~~address only those issues raised by the proposed change and~~  
1739 ~~require mitigation only for the individual and cumulative~~  
1740 ~~impacts of the proposed change.~~

1741 ~~4. Development within the previously approved development~~  
1742 ~~of regional impact may continue, as approved, during the~~  
1743 ~~development of regional impact review in those portions of the~~  
1744 ~~development which are not directly affected by the proposed~~  
1745 ~~change.~~

1746 ~~(h) When further development of regional impact review is~~  
1747 ~~required because a substantial deviation has been determined or~~  
1748 ~~admitted by the developer, the amendment to the development~~  
1749 ~~order issued by the local government shall be consistent with~~  
1750 ~~the requirements of subsection (15) and shall be subject to the~~

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1751 ~~hearing and appeal provisions of s. 380.07. The state land~~  
1752 ~~planning agency or the appropriate regional planning agency need~~  
1753 ~~not participate at the local hearing in order to appeal a local~~  
1754 ~~government development order issued pursuant to this paragraph.~~  
1755 ~~(i) An increase in the number of residential dwelling~~  
1756 ~~units shall not constitute a substantial deviation and shall not~~  
1757 ~~be subject to development of regional impact review for~~  
1758 ~~additional impacts, provided that all the residential dwelling~~  
1759 ~~units are dedicated to affordable workforce housing and the~~  
1760 ~~total number of new residential units does not exceed 200~~  
1761 ~~percent of the substantial deviation threshold. The affordable~~  
1762 ~~workforce housing shall be subject to a recorded land use~~  
1763 ~~restriction that shall be for a period of not less than 20 years~~  
1764 ~~and that includes resale provisions to ensure long-term~~  
1765 ~~affordability for income eligible homeowners and renters. For~~  
1766 ~~purposes of this paragraph, the term "affordable workforce~~  
1767 ~~housing" means housing that is affordable to a person who earns~~  
1768 ~~less than 120 percent of the area median income, or less than~~  
1769 ~~140 percent of the area median income if located in a county in~~  
1770 ~~which the median purchase price for a single family existing~~  
1771 ~~home exceeds the statewide median purchase price of a single-~~  
1772 ~~family existing home. For purposes of this paragraph, the term~~  
1773 ~~"statewide median purchase price of a single family existing~~  
1774 ~~home" means the statewide purchase price as determined in the~~  
1775 ~~Florida Sales Report, Single-Family Existing Homes, released~~

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1776 ~~each January by the Florida Association of Realtors and the~~  
1777 ~~University of Florida Real Estate Research Center.~~

1778 (8)~~(20)~~ VESTED RIGHTS.—Nothing in this section shall limit  
1779 or modify the rights of any person to complete any development  
1780 that was authorized by registration of a subdivision pursuant to  
1781 former chapter 498, by recordation pursuant to local subdivision  
1782 plat law, or by a building permit or other authorization to  
1783 commence development on which there has been reliance and a  
1784 change of position and which registration or recordation was  
1785 accomplished, or which permit or authorization was issued, prior  
1786 to July 1, 1973. If a developer has, by his or her actions in  
1787 reliance on prior regulations, obtained vested or other legal  
1788 rights that in law would have prevented a local government from  
1789 changing those regulations in a way adverse to the developer's  
1790 interests, nothing in this chapter authorizes any governmental  
1791 agency to abridge those rights.

1792 (a) For the purpose of determining the vesting of rights  
1793 under this subsection, approval pursuant to local subdivision  
1794 plat law, ordinances, or regulations of a subdivision plat by  
1795 formal vote of a county or municipal governmental body having  
1796 jurisdiction after August 1, 1967, and prior to July 1, 1973, is  
1797 sufficient to vest all property rights for the purposes of this  
1798 subsection; and no action in reliance on, or change of position  
1799 concerning, such local governmental approval is required for  
1800 vesting to take place. Anyone claiming vested rights under this



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1801 paragraph must notify the department in writing by January 1,  
 1802 1986. Such notification shall include information adequate to  
 1803 document the rights established by this subsection. When such  
 1804 notification requirements are met, in order for the vested  
 1805 rights authorized pursuant to this paragraph to remain valid  
 1806 after June 30, 1990, development of the vested plan must be  
 1807 commenced prior to that date upon the property that the state  
 1808 land planning agency has determined to have acquired vested  
 1809 rights following the notification or in a binding letter of  
 1810 interpretation. When the notification requirements have not been  
 1811 met, the vested rights authorized by this paragraph shall expire  
 1812 June 30, 1986, unless development commenced prior to that date.

1813 (b) For the purpose of this act, the conveyance of, or the  
 1814 agreement to convey, property to the county, state, or local  
 1815 government as a prerequisite to zoning change approval shall be  
 1816 construed as an act of reliance to vest rights as determined  
 1817 under this subsection, provided such zoning change is actually  
 1818 granted by such government.

1819 (9) ~~(21)~~ VALIDITY OF COMPREHENSIVE APPLICATION; MASTER PLAN  
 1820 DEVELOPMENT ORDER.—

1821 ~~(a)~~ Any agreement previously entered into by a developer,  
 1822 a regional planning agency, and a local government regarding ~~if~~  
 1823 a development project that includes two or more developments of  
 1824 regional impact and was the subject of, ~~a developer may file a~~  
 1825 comprehensive development-of-regional-impact application remains

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1826 valid unless it expired on or before the effective date of this  
1827 act.

1828 ~~(b) If a proposed development is planned for development~~  
1829 ~~over an extended period of time, the developer may file an~~  
1830 ~~application for master development approval of the project and~~  
1831 ~~agree to present subsequent increments of the development for~~  
1832 ~~preconstruction review. This agreement shall be entered into by~~  
1833 ~~the developer, the regional planning agency, and the appropriate~~  
1834 ~~local government having jurisdiction. The provisions of~~  
1835 ~~subsection (9) do not apply to this subsection, except that a~~  
1836 ~~developer may elect to utilize the review process established in~~  
1837 ~~subsection (9) for review of the increments of a master plan.~~

1838 ~~1. Prior to adoption of the master plan development order,~~  
1839 ~~the developer, the landowner, the appropriate regional planning~~  
1840 ~~agency, and the local government having jurisdiction shall~~  
1841 ~~review the draft of the development order to ensure that~~  
1842 ~~anticipated regional impacts have been adequately addressed and~~  
1843 ~~that information requirements for subsequent incremental~~  
1844 ~~application review are clearly defined. The development order~~  
1845 ~~for a master application shall specify the information which~~  
1846 ~~must be submitted with an incremental application and shall~~  
1847 ~~identify those issues which can result in the denial of an~~  
1848 ~~incremental application.~~

1849 ~~2. The review of subsequent incremental applications shall~~  
1850 ~~be limited to that information specifically required and those~~

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1851 ~~issues specifically raised by the master development order,~~  
 1852 ~~unless substantial changes in the conditions underlying the~~  
 1853 ~~approval of the master plan development order are demonstrated~~  
 1854 ~~or the master development order is shown to have been based on~~  
 1855 ~~substantially inaccurate information.~~

1856 ~~(c) The state land planning agency, by rule, shall~~  
 1857 ~~establish uniform procedures to implement this subsection.~~

1858 ~~(22) DOWNTOWN DEVELOPMENT AUTHORITIES.—~~

1859 ~~(a) A downtown development authority may submit a~~  
 1860 ~~development of regional impact application for development~~  
 1861 ~~approval pursuant to this section. The area described in the~~  
 1862 ~~application may consist of any or all of the land over which a~~  
 1863 ~~downtown development authority has the power described in s.~~  
 1864 ~~380.031(5). For the purposes of this subsection, a downtown~~  
 1865 ~~development authority shall be considered the developer whether~~  
 1866 ~~or not the development will be undertaken by the downtown~~  
 1867 ~~development authority.~~

1868 ~~(b) In addition to information required by the~~  
 1869 ~~development of regional impact application, the application for~~  
 1870 ~~development approval submitted by a downtown development~~  
 1871 ~~authority shall specify the total amount of development planned~~  
 1872 ~~for each land use category. In addition to the requirements of~~  
 1873 ~~subsection (15), the development order shall specify the amount~~  
 1874 ~~of development approved within each land use category.~~

1875 ~~Development undertaken in conformance with a development order~~

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1876 | ~~issued under this section does not require further review.~~

1877 |       ~~(c) If a development is proposed within the area of a~~  
 1878 | ~~downtown development plan approved pursuant to this section~~  
 1879 | ~~which would result in development in excess of the amount~~  
 1880 | ~~specified in the development order for that type of activity,~~  
 1881 | ~~changes shall be subject to the provisions of subsection (19),~~  
 1882 | ~~except that the percentages and numerical criteria shall be~~  
 1883 | ~~double those listed in paragraph (19)(b).~~

1884 |       ~~(d) The provisions of subsection (9) do not apply to this~~  
 1885 | ~~subsection.~~

1886 |       ~~(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.—~~

1887 |       ~~(a) The state land planning agency shall adopt rules to~~  
 1888 | ~~ensure uniform review of developments of regional impact by the~~  
 1889 | ~~state land planning agency and regional planning agencies under~~  
 1890 | ~~this section. These rules shall be adopted pursuant to chapter~~  
 1891 | ~~120 and shall include all forms, application content, and review~~  
 1892 | ~~guidelines necessary to implement development of regional impact~~  
 1893 | ~~reviews. The state land planning agency, in consultation with~~  
 1894 | ~~the regional planning agencies, may also designate types of~~  
 1895 | ~~development or areas suitable for development in which reduced~~  
 1896 | ~~information requirements for development of regional impact~~  
 1897 | ~~review shall apply.~~

1898 |       ~~(b) Regional planning agencies shall be subject to rules~~  
 1899 | ~~adopted by the state land planning agency. At the request of a~~  
 1900 | ~~regional planning council, the state land planning agency may~~

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1901 ~~adopt by rule different standards for a specific comprehensive~~  
1902 ~~planning district upon a finding that the statewide standard is~~  
1903 ~~inadequate to protect or promote the regional interest at issue.~~  
1904 ~~If such a regional standard is adopted by the state land~~  
1905 ~~planning agency, the regional standard shall be applied to all~~  
1906 ~~pertinent development of regional impact reviews conducted in~~  
1907 ~~that region until rescinded.~~

1908 ~~(c) Within 6 months of the effective date of this section,~~  
1909 ~~the state land planning agency shall adopt rules which:~~

1910 ~~1. Establish uniform statewide standards for development~~  
1911 ~~of regional impact review.~~

1912 ~~2. Establish a short application for development approval~~  
1913 ~~form which eliminates issues and questions for any project in a~~  
1914 ~~jurisdiction with an adopted local comprehensive plan that is in~~  
1915 ~~compliance.~~

1916 ~~(d) Regional planning agencies that perform development~~  
1917 ~~of regional impact and Florida Quality Development review are~~  
1918 ~~authorized to assess and collect fees to fund the costs, direct~~  
1919 ~~and indirect, of conducting the review process. The state land~~  
1920 ~~planning agency shall adopt rules to provide uniform criteria~~  
1921 ~~for the assessment and collection of such fees. The rules~~  
1922 ~~providing uniform criteria shall not be subject to rule~~  
1923 ~~challenge under s. 120.56(2) or to drawout proceedings under s.~~  
1924 ~~120.54(3)(c)2., but, once adopted, shall be subject to an~~  
1925 ~~invalidity challenge under s. 120.56(3) by substantially~~

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1926 ~~affected persons. Until the state land planning agency adopts a~~  
1927 ~~rule implementing this paragraph, rules of the regional planning~~  
1928 ~~councils currently in effect regarding fees shall remain in~~  
1929 ~~effect. Fees may vary in relation to the type and size of a~~  
1930 ~~proposed project, but shall not exceed \$75,000, unless the state~~  
1931 ~~land planning agency, after reviewing any disputed expenses~~  
1932 ~~charged by the regional planning agency, determines that said~~  
1933 ~~expenses were reasonable and necessary for an adequate regional~~  
1934 ~~review of the impacts of a project.~~

1935 ~~(24) STATUTORY EXEMPTIONS.—~~

1936 ~~(a) Any proposed hospital is exempt from this section.~~

1937 ~~(b) Any proposed electrical transmission line or~~  
1938 ~~electrical power plant is exempt from this section.~~

1939 ~~(c) Any proposed addition to an existing sports facility~~  
1940 ~~complex is exempt from this section if the addition meets the~~  
1941 ~~following characteristics:~~

1942 ~~1. It would not operate concurrently with the scheduled~~  
1943 ~~hours of operation of the existing facility.~~

1944 ~~2. Its seating capacity would be no more than 75 percent~~  
1945 ~~of the capacity of the existing facility.~~

1946 ~~3. The sports facility complex property is owned by a~~  
1947 ~~public body before July 1, 1983.~~

1948  
1949 ~~This exemption does not apply to any pari-mutuel facility.~~

1950 ~~(d) Any proposed addition or cumulative additions~~

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1951 ~~subsequent to July 1, 1988, to an existing sports facility~~  
 1952 ~~complex owned by a state university is exempt if the increased~~  
 1953 ~~seating capacity of the complex is no more than 30 percent of~~  
 1954 ~~the capacity of the existing facility.~~

1955 ~~(e) Any addition of permanent seats or parking spaces for~~  
 1956 ~~an existing sports facility located on property owned by a~~  
 1957 ~~public body before July 1, 1973, is exempt from this section if~~  
 1958 ~~future additions do not expand existing permanent seating or~~  
 1959 ~~parking capacity more than 15 percent annually in excess of the~~  
 1960 ~~prior year's capacity.~~

1961 ~~(f) Any increase in the seating capacity of an existing~~  
 1962 ~~sports facility having a permanent seating capacity of at least~~  
 1963 ~~50,000 spectators is exempt from this section, provided that~~  
 1964 ~~such an increase does not increase permanent seating capacity by~~  
 1965 ~~more than 5 percent per year and not to exceed a total of 10~~  
 1966 ~~percent in any 5-year period, and provided that the sports~~  
 1967 ~~facility notifies the appropriate local government within which~~  
 1968 ~~the facility is located of the increase at least 6 months before~~  
 1969 ~~the initial use of the increased seating, in order to permit the~~  
 1970 ~~appropriate local government to develop a traffic management~~  
 1971 ~~plan for the traffic generated by the increase. Any traffic~~  
 1972 ~~management plan shall be consistent with the local comprehensive~~  
 1973 ~~plan, the regional policy plan, and the state comprehensive~~  
 1974 ~~plan.~~

1975 ~~(g) Any expansion in the permanent seating capacity or~~

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1976 ~~additional improved parking facilities of an existing sports~~  
 1977 ~~facility is exempt from this section, if the following~~  
 1978 ~~conditions exist:~~

1979 ~~1.a. The sports facility had a permanent seating capacity~~  
 1980 ~~on January 1, 1991, of at least 41,000 spectator seats;~~

1981 ~~b. The sum of such expansions in permanent seating~~  
 1982 ~~capacity does not exceed a total of 10 percent in any 5-year~~  
 1983 ~~period and does not exceed a cumulative total of 20 percent for~~  
 1984 ~~any such expansions; or~~

1985 ~~c. The increase in additional improved parking facilities~~  
 1986 ~~is a one-time addition and does not exceed 3,500 parking spaces~~  
 1987 ~~servicing the sports facility; and~~

1988 ~~2. The local government having jurisdiction of the sports~~  
 1989 ~~facility includes in the development order or development permit~~  
 1990 ~~approving such expansion under this paragraph a finding of fact~~  
 1991 ~~that the proposed expansion is consistent with the~~  
 1992 ~~transportation, water, sewer and stormwater drainage provisions~~  
 1993 ~~of the approved local comprehensive plan and local land~~  
 1994 ~~development regulations relating to those provisions.~~

1995  
 1996 ~~Any owner or developer who intends to rely on this statutory~~  
 1997 ~~exemption shall provide to the department a copy of the local~~  
 1998 ~~government application for a development permit. Within 45 days~~  
 1999 ~~after receipt of the application, the department shall render to~~  
 2000 ~~the local government an advisory and nonbinding opinion, in~~



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2001 ~~writing, stating whether, in the department's opinion, the~~  
2002 ~~prescribed conditions exist for an exemption under this~~  
2003 ~~paragraph. The local government shall render the development~~  
2004 ~~order approving each such expansion to the department. The~~  
2005 ~~owner, developer, or department may appeal the local government~~  
2006 ~~development order pursuant to s. 380.07, within 45 days after~~  
2007 ~~the order is rendered. The scope of review shall be limited to~~  
2008 ~~the determination of whether the conditions prescribed in this~~  
2009 ~~paragraph exist. If any sports facility expansion undergoes~~  
2010 ~~development of regional impact review, all previous expansions~~  
2011 ~~which were exempt under this paragraph shall be included in the~~  
2012 ~~development of regional impact review.~~

2013 ~~(h) Expansion to port harbors, spoil disposal sites,~~  
2014 ~~navigation channels, turning basins, harbor berths, and other~~  
2015 ~~related inwater harbor facilities of ports listed in s.~~  
2016 ~~403.021(9)(b), port transportation facilities and projects~~  
2017 ~~listed in s. 311.07(3)(b), and intermodal transportation~~  
2018 ~~facilities identified pursuant to s. 311.09(3) are exempt from~~  
2019 ~~this section when such expansions, projects, or facilities are~~  
2020 ~~consistent with comprehensive master plans that are in~~  
2021 ~~compliance with s. 163.3178.~~

2022 ~~(i) Any proposed facility for the storage of any petroleum~~  
2023 ~~product or any expansion of an existing facility is exempt from~~  
2024 ~~this section.~~

2025 ~~(j) Any renovation or redevelopment within the same land~~

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2026 ~~parcel which does not change land use or increase density or~~  
 2027 ~~intensity of use.~~

2028 ~~(k) Waterport and marina development, including dry~~  
 2029 ~~storage facilities, are exempt from this section.~~

2030 ~~(l) Any proposed development within an urban service~~  
 2031 ~~boundary established under s. 163.3177(14), Florida Statutes~~  
 2032 ~~(2010), which is not otherwise exempt pursuant to subsection~~  
 2033 ~~(29), is exempt from this section if the local government having~~  
 2034 ~~jurisdiction over the area where the development is proposed has~~  
 2035 ~~adopted the urban service boundary and has entered into a~~  
 2036 ~~binding agreement with jurisdictions that would be impacted and~~  
 2037 ~~with the Department of Transportation regarding the mitigation~~  
 2038 ~~of impacts on state and regional transportation facilities.~~

2039 ~~(m) Any proposed development within a rural land~~  
 2040 ~~stewardship area created under s. 163.3248.~~

2041 ~~(n) The establishment, relocation, or expansion of any~~  
 2042 ~~military installation as defined in s. 163.3175, is exempt from~~  
 2043 ~~this section.~~

2044 ~~(o) Any self-storage warehousing that does not allow~~  
 2045 ~~retail or other services is exempt from this section.~~

2046 ~~(p) Any proposed nursing home or assisted living facility~~  
 2047 ~~is exempt from this section.~~

2048 ~~(q) Any development identified in an airport master plan~~  
 2049 ~~and adopted into the comprehensive plan pursuant to s.~~  
 2050 ~~163.3177(6)(b)4. is exempt from this section.~~

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2051           ~~(r) Any development identified in a campus master plan and~~  
2052 ~~adopted pursuant to s. 1013.30 is exempt from this section.~~

2053           ~~(s) Any development in a detailed specific area plan which~~  
2054 ~~is prepared and adopted pursuant to s. 163.3245 is exempt from~~  
2055 ~~this section.~~

2056           ~~(t) Any proposed solid mineral mine and any proposed~~  
2057 ~~addition to, expansion of, or change to an existing solid~~  
2058 ~~mineral mine is exempt from this section. A mine owner will~~  
2059 ~~enter into a binding agreement with the Department of~~  
2060 ~~Transportation to mitigate impacts to strategic intermodal~~  
2061 ~~system facilities pursuant to the transportation thresholds in~~  
2062 ~~subsection (19) or rule 9J-2.045(6), Florida Administrative~~  
2063 ~~Code. Proposed changes to any previously approved solid mineral~~  
2064 ~~mine development of regional impact development orders having~~  
2065 ~~vested rights are is not subject to further review or approval~~  
2066 ~~as a development of regional impact or notice of proposed change~~  
2067 ~~review or approval pursuant to subsection (19), except for those~~  
2068 ~~applications pending as of July 1, 2011, which shall be governed~~  
2069 ~~by s. 380.115(2). Notwithstanding the foregoing, however,~~  
2070 ~~pursuant to s. 380.115(1), previously approved solid mineral~~  
2071 ~~mine development of regional impact development orders shall~~  
2072 ~~continue to enjoy vested rights and continue to be effective~~  
2073 ~~unless rescinded by the developer. All local government~~  
2074 ~~regulations of proposed solid mineral mines shall be applicable~~  
2075 ~~to any new solid mineral mine or to any proposed addition to,~~

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2076 ~~expansion of, or change to an existing solid mineral mine.~~  
 2077 ~~(u) Notwithstanding any provisions in an agreement with or~~  
 2078 ~~among a local government, regional agency, or the state land~~  
 2079 ~~planning agency or in a local government's comprehensive plan to~~  
 2080 ~~the contrary, a project no longer subject to development of~~  
 2081 ~~regional-impact review under revised thresholds is not required~~  
 2082 ~~to undergo such review.~~  
 2083 ~~(v) Any development within a county with a research and~~  
 2084 ~~education authority created by special act and that is also~~  
 2085 ~~within a research and development park that is operated or~~  
 2086 ~~managed by a research and development authority pursuant to part~~  
 2087 ~~V of chapter 159 is exempt from this section.~~  
 2088 ~~(w) Any development in an energy economic zone designated~~  
 2089 ~~pursuant to s. 377.809 is exempt from this section upon approval~~  
 2090 ~~by its local governing body.~~  
 2091 ~~(x) Any proposed development that is located in a local~~  
 2092 ~~government jurisdiction that does not qualify for an exemption~~  
 2093 ~~based on the population and density criteria in paragraph~~  
 2094 ~~(29) (a), that is approved as a comprehensive plan amendment~~  
 2095 ~~adopted pursuant to s. 163.3184(4), and that is the subject of~~  
 2096 ~~an agreement pursuant to s. 288.106(5) is exempt from this~~  
 2097 ~~section. This exemption shall only be effective upon a written~~  
 2098 ~~agreement executed by the applicant, the local government, and~~  
 2099 ~~the state land planning agency. The state land planning agency~~  
 2100 ~~shall only be a party to the agreement upon a determination that~~

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2101 ~~the development is the subject of an agreement pursuant to s.~~  
2102 ~~288.106(5) and that the local government has the capacity to~~  
2103 ~~adequately assess the impacts of the proposed development. The~~  
2104 ~~local government shall only be a party to the agreement upon~~  
2105 ~~approval by the governing body of the local government and upon~~  
2106 ~~providing at least 21 days' notice to adjacent local governments~~  
2107 ~~that includes, at a minimum, information regarding the location,~~  
2108 ~~density and intensity of use, and timing of the proposed~~  
2109 ~~development. This exemption does not apply to areas within the~~  
2110 ~~boundary of any area of critical state concern designated~~  
2111 ~~pursuant to s. 380.05, within the boundary of the Wekiva Study~~  
2112 ~~Area as described in s. 369.316, or within 2 miles of the~~  
2113 ~~boundary of the Everglades Protection Area as defined in s.~~  
2114 ~~373.4592(2).~~

2115  
2116 ~~If a use is exempt from review as a development of regional~~  
2117 ~~impact under paragraphs (a)-(u), but will be part of a larger~~  
2118 ~~project that is subject to review as a development of regional~~  
2119 ~~impact, the impact of the exempt use must be included in the~~  
2120 ~~review of the larger project, unless such exempt use involves a~~  
2121 ~~development of regional impact that includes a landowner,~~  
2122 ~~tenant, or user that has entered into a funding agreement with~~  
2123 ~~the Department of Economic Opportunity under the Innovation~~  
2124 ~~Incentive Program and the agreement contemplates a state award~~  
2125 ~~of at least \$50 million.~~

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2126            ~~(10)-(25)~~ AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

2127            ~~(a)~~ Any approval of an authorized developer for ~~may submit~~

2128 an areawide development of regional impact remains valid unless

2129 it expired on or before the effective date of this act. ~~to be~~

2130 ~~reviewed pursuant to the procedures and standards set forth in~~

2131 ~~this section. The areawide development of regional impact review~~

2132 ~~shall include an areawide development plan in addition to any~~

2133 ~~other information required under this section. After review and~~

2134 ~~approval of an areawide development of regional impact under~~

2135 ~~this section, all development within the defined planning area~~

2136 ~~shall conform to the approved areawide development plan and~~

2137 ~~development order. Individual developments that conform to the~~

2138 ~~approved areawide development plan shall not be required to~~

2139 ~~undergo further development of regional impact review, unless~~

2140 ~~otherwise provided in the development order. As used in this~~

2141 ~~subsection, the term:~~

2142            1. ~~"Areawide development plan" means a plan of development~~

2143 ~~that, at a minimum:~~

2144            a. ~~Encompasses a defined planning area approved pursuant~~

2145 ~~to this subsection that will include at least two or more~~

2146 ~~developments;~~

2147            b. ~~Maps and defines the land uses proposed, including the~~

2148 ~~amount of development by use and development phasing;~~

2149            e. ~~Integrates a capital improvements program for~~

2150 ~~transportation and other public facilities to ensure development~~

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2151 ~~staging contingent on availability of facilities and services;~~  
 2152 ~~d. Incorporates land development regulation, covenants,~~  
 2153 ~~and other restrictions adequate to protect resources and~~  
 2154 ~~facilities of regional and state significance; and~~

2155 ~~e. Specifies responsibilities and identifies the~~  
 2156 ~~mechanisms for carrying out all commitments in the areawide~~  
 2157 ~~development plan and for compliance with all conditions of any~~  
 2158 ~~areawide development order.~~

2159 ~~2. "Developer" means any person or association of persons,~~  
 2160 ~~including a governmental agency as defined in s. 380.031(6),~~  
 2161 ~~that petitions for authorization to file an application for~~  
 2162 ~~development approval for an areawide development plan.~~

2163 ~~(b) A developer may petition for authorization to submit a~~  
 2164 ~~proposed areawide development of regional impact for a defined~~  
 2165 ~~planning area in accordance with the following requirements:~~

2166 ~~1. A petition shall be submitted to the local government,~~  
 2167 ~~the regional planning agency, and the state land planning~~  
 2168 ~~agency.~~

2169 ~~2. A public hearing or joint public hearing shall be held~~  
 2170 ~~if required by paragraph (c), with appropriate notice, before~~  
 2171 ~~the affected local government.~~

2172 ~~3. The state land planning agency shall apply the~~  
 2173 ~~following criteria for evaluating a petition:~~

2174 ~~a. Whether the developer is financially capable of~~  
 2175 ~~processing the application for development approval through~~

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2176 ~~final approval pursuant to this section.~~

2177 ~~b. Whether the defined planning area and anticipated~~  
 2178 ~~development therein appear to be of a character, magnitude, and~~  
 2179 ~~location that a proposed areawide development plan would be in~~  
 2180 ~~the public interest. Any public interest determination under~~  
 2181 ~~this criterion is preliminary and not binding on the state land~~  
 2182 ~~planning agency, regional planning agency, or local government.~~

2183 ~~4. The state land planning agency shall develop and make~~  
 2184 ~~available standard forms for petitions and applications for~~  
 2185 ~~development approval for use under this subsection.~~

2186 ~~(c) Any person may submit a petition to a local government~~  
 2187 ~~having jurisdiction over an area to be developed, requesting~~  
 2188 ~~that government to approve that person as a developer, whether~~  
 2189 ~~or not any or all development will be undertaken by that person,~~  
 2190 ~~and to approve the area as appropriate for an areawide~~  
 2191 ~~development of regional impact.~~

2192 ~~(d) A general purpose local government with jurisdiction~~  
 2193 ~~over an area to be considered in an areawide development of~~  
 2194 ~~regional impact shall not have to petition itself for~~  
 2195 ~~authorization to prepare and consider an application for~~  
 2196 ~~development approval for an areawide development plan. However,~~  
 2197 ~~such a local government shall initiate the preparation of an~~  
 2198 ~~application only:~~

2199 ~~1. After scheduling and conducting a public hearing as~~  
 2200 ~~specified in paragraph (c); and~~



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2201 ~~2. After conducting such hearing, finding that the~~  
 2202 ~~planning area meets the standards and criteria pursuant to~~  
 2203 ~~subparagraph (b)3. for determining that an areawide development~~  
 2204 ~~plan will be in the public interest.~~

2205 ~~(c) The local government shall schedule a public hearing~~  
 2206 ~~within 60 days after receipt of the petition. The public hearing~~  
 2207 ~~shall be advertised at least 30 days prior to the hearing. In~~  
 2208 ~~addition to the public hearing notice by the local government,~~  
 2209 ~~the petitioner, except when the petitioner is a local~~  
 2210 ~~government, shall provide actual notice to each person owning~~  
 2211 ~~land within the proposed areawide development plan at least 30~~  
 2212 ~~days prior to the hearing. If the petitioner is a local~~  
 2213 ~~government, or local governments pursuant to an interlocal~~  
 2214 ~~agreement, notice of the public hearing shall be provided by the~~  
 2215 ~~publication of an advertisement in a newspaper of general~~  
 2216 ~~circulation that meets the requirements of this paragraph. The~~  
 2217 ~~advertisement must be no less than one-quarter page in a~~  
 2218 ~~standard size or tabloid size newspaper, and the headline in the~~  
 2219 ~~advertisement must be in type no smaller than 18 point. The~~  
 2220 ~~advertisement shall not be published in that portion of the~~  
 2221 ~~newspaper where legal notices and classified advertisements~~  
 2222 ~~appear. The advertisement must be published in a newspaper of~~  
 2223 ~~general paid circulation in the county and of general interest~~  
 2224 ~~and readership in the community, not one of limited subject~~  
 2225 ~~matter, pursuant to chapter 50. Whenever possible, the~~

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2226 ~~advertisement must appear in a newspaper that is published at~~  
2227 ~~least 5 days a week, unless the only newspaper in the community~~  
2228 ~~is published less than 5 days a week. The advertisement must be~~  
2229 ~~in substantially the form used to advertise amendments to~~  
2230 ~~comprehensive plans pursuant to s. 163.3184. The local~~  
2231 ~~government shall specifically notify in writing the regional~~  
2232 ~~planning agency and the state land planning agency at least 30~~  
2233 ~~days prior to the public hearing. At the public hearing, all~~  
2234 ~~interested parties may testify and submit evidence regarding the~~  
2235 ~~petitioner's qualifications, the need for and benefits of an~~  
2236 ~~areawide development of regional impact, and such other issues~~  
2237 ~~relevant to a full consideration of the petition. If more than~~  
2238 ~~one local government has jurisdiction over the defined planning~~  
2239 ~~area in an areawide development plan, the local governments~~  
2240 ~~shall hold a joint public hearing. Such hearing shall address,~~  
2241 ~~at a minimum, the need to resolve conflicting ordinances or~~  
2242 ~~comprehensive plans, if any. The local government holding the~~  
2243 ~~joint hearing shall comply with the following additional~~  
2244 ~~requirements:~~

2245 ~~1. The notice of the hearing shall be published at least~~  
2246 ~~60 days in advance of the hearing and shall specify where the~~  
2247 ~~petition may be reviewed.~~

2248 ~~2. The notice shall be given to the state land planning~~  
2249 ~~agency, to the applicable regional planning agency, and to such~~  
2250 ~~other persons as may have been designated by the state land~~

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2251 ~~planning agency as entitled to receive such notices.~~

2252 ~~3. A public hearing date shall be set by the appropriate~~  
2253 ~~local government at the next scheduled meeting.~~

2254 ~~(f) Following the public hearing, the local government~~  
2255 ~~shall issue a written order, appealable under s. 380.07, which~~  
2256 ~~approves, approves with conditions, or denies the petition. It~~  
2257 ~~shall approve the petitioner as the developer if it finds that~~  
2258 ~~the petitioner and defined planning area meet the standards and~~  
2259 ~~criteria, consistent with applicable law, pursuant to~~  
2260 ~~subparagraph (b)3.~~

2261 ~~(g) The local government shall submit any order which~~  
2262 ~~approves the petition, or approves the petition with conditions,~~  
2263 ~~to the petitioner, to all owners of property within the defined~~  
2264 ~~planning area, to the regional planning agency, and to the state~~  
2265 ~~land planning agency within 30 days after the order becomes~~  
2266 ~~effective.~~

2267 ~~(h) The petitioner, an owner of property within the~~  
2268 ~~defined planning area, the appropriate regional planning agency~~  
2269 ~~by vote at a regularly scheduled meeting, or the state land~~  
2270 ~~planning agency may appeal the decision of the local government~~  
2271 ~~to the Florida Land and Water Adjudicatory Commission by filing~~  
2272 ~~a notice of appeal with the commission. The procedures~~  
2273 ~~established in s. 380.07 shall be followed for such an appeal.~~

2274 ~~(i) After the time for appeal of the decision has run, an~~  
2275 ~~approved developer may submit an application for development~~

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2276 ~~approval for a proposed areawide development of regional impact~~  
 2277 ~~for land within the defined planning area, pursuant to~~  
 2278 ~~subsection (6). Development undertaken in conformance with an~~  
 2279 ~~areawide development order issued under this section shall not~~  
 2280 ~~require further development of regional impact review.~~

2281 ~~(j) In reviewing an application for a proposed areawide~~  
 2282 ~~development of regional impact, the regional planning agency~~  
 2283 ~~shall evaluate, and the local government shall consider, the~~  
 2284 ~~following criteria, in addition to any other criteria set forth~~  
 2285 ~~in this section:~~

2286 ~~1. Whether the developer has demonstrated its legal,~~  
 2287 ~~financial, and administrative ability to perform any commitments~~  
 2288 ~~it has made in the application for a proposed areawide~~  
 2289 ~~development of regional impact.~~

2290 ~~2. Whether the developer has demonstrated that all~~  
 2291 ~~property owners within the defined planning area consent or do~~  
 2292 ~~not object to the proposed areawide development of regional~~  
 2293 ~~impact.~~

2294 ~~3. Whether the area and the anticipated development are~~  
 2295 ~~consistent with the applicable local, regional, and state~~  
 2296 ~~comprehensive plans, except as provided for in paragraph (k).~~

2297 ~~(k) In addition to the requirements of subsection (14), a~~  
 2298 ~~development order approving, or approving with conditions, a~~  
 2299 ~~proposed areawide development of regional impact shall specify~~  
 2300 ~~the approved land uses and the amount of development approved~~

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2301 ~~within each land use category in the defined planning area. The~~  
2302 ~~development order shall incorporate by reference the approved~~  
2303 ~~areawide development plan. The local government shall not~~  
2304 ~~approve an areawide development plan that is inconsistent with~~  
2305 ~~the local comprehensive plan, except that a local government may~~  
2306 ~~amend its comprehensive plan pursuant to paragraph (6) (b).~~

2307 ~~(l) Any owner of property within the defined planning area~~  
2308 ~~may withdraw his or her consent to the areawide development plan~~  
2309 ~~at any time prior to local government approval, with or without~~  
2310 ~~conditions, of the petition; and the plan, the areawide~~  
2311 ~~development order, and the exemption from development of~~  
2312 ~~regional impact review of individual projects under this section~~  
2313 ~~shall not thereafter apply to the owner's property. After the~~  
2314 ~~areawide development order is issued, a landowner may withdraw~~  
2315 ~~his or her consent only with the approval of the local~~  
2316 ~~government.~~

2317 ~~(m) If the developer of an areawide development of~~  
2318 ~~regional impact is a general purpose local government with~~  
2319 ~~jurisdiction over the land area included within the areawide~~  
2320 ~~development proposal and if no interest in the land within the~~  
2321 ~~land area is owned, leased, or otherwise controlled by a person,~~  
2322 ~~corporate or natural, for the purpose of mining or beneficiation~~  
2323 ~~of minerals, then:~~

2324 ~~1. Demonstration of property owner consent or lack of~~  
2325 ~~objection to an areawide development plan shall not be required;~~

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2326 and

2327 ~~2. The option to withdraw consent does not apply, and all~~  
 2328 ~~property and development within the areawide development~~  
 2329 ~~planning area shall be subject to the areawide plan and to the~~  
 2330 ~~development order conditions.~~

2331 ~~(n) After a development order approving an areawide~~  
 2332 ~~development plan is received, changes shall be subject to the~~  
 2333 ~~provisions of subsection (19), except that the percentages and~~  
 2334 ~~numerical criteria shall be double those listed in paragraph~~  
 2335 ~~(19)(b).~~

2336 (11)~~(26)~~ ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.-

2337 (a) There is hereby established a process to abandon a  
 2338 development of regional impact and its associated development  
 2339 orders. A development of regional impact and its associated  
 2340 development orders may be proposed to be abandoned by the owner  
 2341 or developer. The local government in whose jurisdiction ~~in~~  
 2342 ~~which~~ the development of regional impact is located also may  
 2343 propose to abandon the development of regional impact, provided  
 2344 that the local government gives individual written notice to  
 2345 each development-of-regional-impact owner and developer of  
 2346 record, and provided that no such owner or developer objects in  
 2347 writing to the local government before ~~prior to~~ or at the public  
 2348 hearing pertaining to abandonment of the development of regional  
 2349 impact. ~~The state land planning agency is authorized to~~  
 2350 ~~promulgate rules that shall include, but not be limited to,~~

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2351 ~~criteria for determining whether to grant, grant with~~  
2352 ~~conditions, or deny a proposal to abandon, and provisions to~~  
2353 ~~ensure that the developer satisfies all applicable conditions of~~  
2354 ~~the development order and adequately mitigates for the impacts~~  
2355 ~~of the development.~~ If there is no existing development within  
2356 the development of regional impact at the time of abandonment  
2357 and no development within the development of regional impact is  
2358 proposed by the owner or developer after such abandonment, an  
2359 abandonment order may ~~shall~~ not require the owner or developer  
2360 to contribute any land, funds, or public facilities as a  
2361 condition of such abandonment order. The local government must  
2362 file ~~rules shall also provide a procedure for filing notice of~~  
2363 the abandonment pursuant to s. 28.222 with the clerk of the  
2364 circuit court for each county in which the development of  
2365 regional impact is located. Abandonment will be deemed to have  
2366 occurred upon the recording of the notice. Any decision by a  
2367 local government concerning the abandonment of a development of  
2368 regional impact is ~~shall be~~ subject to an appeal pursuant to s.  
2369 380.07. The issues in any such appeal must ~~shall~~ be confined to  
2370 whether the provisions of this subsection ~~or any rules~~  
2371 ~~promulgated thereunder~~ have been satisfied.

2372 (b) If requested by the owner, developer, or local  
2373 government, the development-of-regional-impact development order  
2374 must be abandoned by the local government having jurisdiction  
2375 upon a showing that all required mitigation related to the

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2376 amount of development which existed on the date of abandonment  
 2377 has been completed or will be completed under an existing permit  
 2378 or equivalent authorization issued by a governmental agency as  
 2379 defined in s. 380.031(6), provided such permit or authorization  
 2380 is subject to enforcement through administrative or judicial  
 2381 remedies ~~Upon receipt of written confirmation from the state~~  
 2382 ~~land planning agency that any required mitigation applicable to~~  
 2383 ~~completed development has occurred, an industrial development of~~  
 2384 ~~regional impact located within the coastal high-hazard area of a~~  
 2385 ~~rural area of opportunity which was approved before the adoption~~  
 2386 ~~of the local government's comprehensive plan required under s.~~  
 2387 ~~163.3167 and which plan's future land use map and zoning~~  
 2388 ~~designates the land use for the development of regional impact~~  
 2389 ~~as commercial may be unilaterally abandoned without the need to~~  
 2390 ~~proceed through the process described in paragraph (a) if the~~  
 2391 ~~developer or owner provides a notice of abandonment to the local~~  
 2392 ~~government and records such notice with the applicable clerk of~~  
 2393 ~~court. Abandonment shall be deemed to have occurred upon the~~  
 2394 ~~recording of the notice. All development following abandonment~~  
 2395 must ~~shall~~ be fully consistent with the current comprehensive  
 2396 plan and applicable zoning.

2397 (c) A development order for abandonment of an approved  
 2398 development of regional impact may be amended by a local  
 2399 government pursuant to subsection (7), provided that the  
 2400 amendment does not reduce any mitigation previously required as



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2401 a condition of abandonment, unless the developer demonstrates  
 2402 that changes to the development no longer will result in impacts  
 2403 that necessitated the mitigation.

2404 ~~(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A~~  
 2405 ~~DEVELOPMENT ORDER. If a developer or owner is in doubt as to his~~  
 2406 ~~or her rights, responsibilities, and obligations under a~~  
 2407 ~~development order and the development order does not clearly~~  
 2408 ~~define his or her rights, responsibilities, and obligations, the~~  
 2409 ~~developer or owner may request participation in resolving the~~  
 2410 ~~dispute through the dispute resolution process outlined in s.~~  
 2411 ~~186.509. The Department of Economic Opportunity shall be~~  
 2412 ~~notified by certified mail of any meeting held under the process~~  
 2413 ~~provided for by this subsection at least 5 days before the~~  
 2414 ~~meeting.~~

2415 ~~(28) PARTIAL STATUTORY EXEMPTIONS.—~~

2416 ~~(a) If the binding agreement referenced under paragraph~~  
 2417 ~~(24)(l) for urban service boundaries is not entered into within~~  
 2418 ~~12 months after establishment of the urban service boundary, the~~  
 2419 ~~development of regional impact review for projects within the~~  
 2420 ~~urban service boundary must address transportation impacts only.~~

2421 ~~(b) If the binding agreement referenced under paragraph~~  
 2422 ~~(24)(m) for rural land stewardship areas is not entered into~~  
 2423 ~~within 12 months after the designation of a rural land~~  
 2424 ~~stewardship area, the development of regional impact review for~~  
 2425 ~~projects within the rural land stewardship area must address~~

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2426 ~~transportation impacts only.~~

2427 ~~(c) If the binding agreement for designated urban infill~~  
2428 ~~and redevelopment areas is not entered into within 12 months~~  
2429 ~~after the designation of the area or July 1, 2007, whichever~~  
2430 ~~occurs later, the development of regional impact review for~~  
2431 ~~projects within the urban infill and redevelopment area must~~  
2432 ~~address transportation impacts only.~~

2433 ~~(d) A local government that does not wish to enter into a~~  
2434 ~~binding agreement or that is unable to agree on the terms of the~~  
2435 ~~agreement referenced under paragraph (24) (l) or paragraph~~  
2436 ~~(24) (m) shall provide written notification to the state land~~  
2437 ~~planning agency of the decision to not enter into a binding~~  
2438 ~~agreement or the failure to enter into a binding agreement~~  
2439 ~~within the 12-month period referenced in paragraphs (a), (b) and~~  
2440 ~~(c). Following the notification of the state land planning~~  
2441 ~~agency, development of regional impact review for projects~~  
2442 ~~within an urban service boundary under paragraph (24) (l), or a~~  
2443 ~~rural land stewardship area under paragraph (24) (m), must~~  
2444 ~~address transportation impacts only.~~

2445 ~~(e) The vesting provision of s. 163.3167(5) relating to an~~  
2446 ~~authorized development of regional impact does not apply to~~  
2447 ~~those projects partially exempt from the development of~~  
2448 ~~regional impact review process under paragraphs (a) (d).~~

2449 ~~(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—~~

2450 ~~(a) The following are exempt from this section:~~

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2451           ~~1. Any proposed development in a municipality that has an~~  
 2452 ~~average of at least 1,000 people per square mile of land area~~  
 2453 ~~and a minimum total population of at least 5,000;~~

2454           ~~2. Any proposed development within a county, including the~~  
 2455 ~~municipalities located in the county, that has an average of at~~  
 2456 ~~least 1,000 people per square mile of land area and is located~~  
 2457 ~~within an urban service area as defined in s. 163.3164 which has~~  
 2458 ~~been adopted into the comprehensive plan;~~

2459           ~~3. Any proposed development within a county, including the~~  
 2460 ~~municipalities located therein, which has a population of at~~  
 2461 ~~least 900,000, that has an average of at least 1,000 people per~~  
 2462 ~~square mile of land area, but which does not have an urban~~  
 2463 ~~service area designated in the comprehensive plan; or~~

2464           ~~4. Any proposed development within a county, including the~~  
 2465 ~~municipalities located therein, which has a population of at~~  
 2466 ~~least 1 million and is located within an urban service area as~~  
 2467 ~~defined in s. 163.3164 which has been adopted into the~~  
 2468 ~~comprehensive plan.~~

2469

2470 ~~The Office of Economic and Demographic Research within the~~  
 2471 ~~Legislature shall annually calculate the population and density~~  
 2472 ~~criteria needed to determine which jurisdictions meet the~~  
 2473 ~~density criteria in subparagraphs 1.-4. by using the most recent~~  
 2474 ~~land area data from the decennial census conducted by the Bureau~~  
 2475 ~~of the Census of the United States Department of Commerce and~~

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2476 ~~the latest available population estimates determined pursuant to~~  
2477 ~~s. 186.901. If any local government has had an annexation,~~  
2478 ~~contraction, or new incorporation, the Office of Economic and~~  
2479 ~~Demographic Research shall determine the population density~~  
2480 ~~using the new jurisdictional boundaries as recorded in~~  
2481 ~~accordance with s. 171.091. The Office of Economic and~~  
2482 ~~Demographic Research shall annually submit to the state land~~  
2483 ~~planning agency by July 1 a list of jurisdictions that meet the~~  
2484 ~~total population and density criteria. The state land planning~~  
2485 ~~agency shall publish the list of jurisdictions on its Internet~~  
2486 ~~website within 7 days after the list is received. The~~  
2487 ~~designation of jurisdictions that meet the criteria of~~  
2488 ~~subparagraphs 1.-4. is effective upon publication on the state~~  
2489 ~~land planning agency's Internet website. If a municipality that~~  
2490 ~~has previously met the criteria no longer meets the criteria,~~  
2491 ~~the state land planning agency shall maintain the municipality~~  
2492 ~~on the list and indicate the year the jurisdiction last met the~~  
2493 ~~criteria. However, any proposed development of regional impact~~  
2494 ~~not within the established boundaries of a municipality at the~~  
2495 ~~time the municipality last met the criteria must meet the~~  
2496 ~~requirements of this section until such time as the municipality~~  
2497 ~~as a whole meets the criteria. Any county that meets the~~  
2498 ~~criteria shall remain on the list in accordance with the~~  
2499 ~~provisions of this paragraph. Any jurisdiction that was placed~~  
2500 ~~on the dense urban land area list before June 2, 2011, shall~~

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2501 ~~remain on the list in accordance with the provisions of this~~  
 2502 ~~paragraph.~~

2503 ~~(b) If a municipality that does not qualify as a dense~~  
 2504 ~~urban land area pursuant to paragraph (a) designates any of the~~  
 2505 ~~following areas in its comprehensive plan, any proposed~~  
 2506 ~~development within the designated area is exempt from the~~  
 2507 ~~development of regional impact process:~~

- 2508 ~~1. Urban infill as defined in s. 163.3164;~~
- 2509 ~~2. Community redevelopment areas as defined in s. 163.340;~~
- 2510 ~~3. Downtown revitalization areas as defined in s.~~  
 2511 ~~163.3164;~~
- 2512 ~~4. Urban infill and redevelopment under s. 163.2517; or~~
- 2513 ~~5. Urban service areas as defined in s. 163.3164 or areas~~  
 2514 ~~within a designated urban service boundary under s.~~  
 2515 ~~163.3177(14), Florida Statutes (2010).~~

2516 ~~(c) If a county that does not qualify as a dense urban~~  
 2517 ~~land area designates any of the following areas in its~~  
 2518 ~~comprehensive plan, any proposed development within the~~  
 2519 ~~designated area is exempt from the development of regional-~~  
 2520 ~~impact process:~~

- 2521 ~~1. Urban infill as defined in s. 163.3164;~~
- 2522 ~~2. Urban infill and redevelopment under s. 163.2517; or~~
- 2523 ~~3. Urban service areas as defined in s. 163.3164.~~

2524 ~~(d) A development that is located partially outside an~~  
 2525 ~~area that is exempt from the development of regional impact~~

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2526 ~~program must undergo development-of-regional-impact review~~  
2527 ~~pursuant to this section. However, if the total acreage that is~~  
2528 ~~included within the area exempt from development-of-regional-~~  
2529 ~~impact review exceeds 85 percent of the total acreage and square~~  
2530 ~~footage of the approved development of regional impact, the~~  
2531 ~~development-of-regional-impact development order may be~~  
2532 ~~rescinded in both local governments pursuant to s. 380.115(1),~~  
2533 ~~unless the portion of the development outside the exempt area~~  
2534 ~~meets the threshold criteria of a development-of-regional-~~  
2535 ~~impact.~~

2536 ~~(e) In an area that is exempt under paragraphs (a) - (c),~~  
2537 ~~any previously approved development-of-regional-impact~~  
2538 ~~development orders shall continue to be effective, but the~~  
2539 ~~developer has the option to be governed by s. 380.115(1). A~~  
2540 ~~pending application for development approval shall be governed~~  
2541 ~~by s. 380.115(2).~~

2542 ~~(f) Local governments must submit by mail a development~~  
2543 ~~order to the state land planning agency for projects that would~~  
2544 ~~be larger than 120 percent of any applicable development-of-~~  
2545 ~~regional-impact threshold and would require development-of-~~  
2546 ~~regional-impact review but for the exemption from the program~~  
2547 ~~under paragraphs (a) - (c). For such development orders, the state~~  
2548 ~~land planning agency may appeal the development order pursuant~~  
2549 ~~to s. 380.07 for inconsistency with the comprehensive plan~~  
2550 ~~adopted under chapter 163.~~

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2551 ~~(g) If a local government that qualifies as a dense urban~~  
 2552 ~~land area under this subsection is subsequently found to be~~  
 2553 ~~ineligible for designation as a dense urban land area, any~~  
 2554 ~~development located within that area which has a complete,~~  
 2555 ~~pending application for authorization to commence development~~  
 2556 ~~may maintain the exemption if the developer is continuing the~~  
 2557 ~~application process in good faith or the development is~~  
 2558 ~~approved.~~

2559 ~~(h) This subsection does not limit or modify the rights of~~  
 2560 ~~any person to complete any development that has been authorized~~  
 2561 ~~as a development of regional impact pursuant to this chapter.~~

2562 ~~(i) This subsection does not apply to areas:~~

2563 ~~1. Within the boundary of any area of critical state~~  
 2564 ~~concern designated pursuant to s. 380.05;~~

2565 ~~2. Within the boundary of the Wekiva Study Area as~~  
 2566 ~~described in s. 369.316; or~~

2567 ~~3. Within 2 miles of the boundary of the Everglades~~  
 2568 ~~Protection Area as described in s. 373.4592(2).~~

2569 ~~(12)(30) PROPOSED DEVELOPMENTS.-~~

2570 (a) A proposed development that exceeds the statewide  
 2571 guidelines and standards specified in s. 380.0651 and is not  
 2572 otherwise exempt pursuant to s. 380.0651 must otherwise subject  
 2573 to the review requirements of this section shall be approved by  
 2574 a local government pursuant to s. 163.3184(4) in lieu of  
 2575 proceeding in accordance with this section. However, if the

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2576 proposed development is consistent with the comprehensive plan  
2577 as provided in s. 163.3194(3)(b), the development is not  
2578 required to undergo review pursuant to s. 163.3184(4) or this  
2579 section.

2580 (b) This subsection does not apply to:

2581 1. Amendments to a development order governing an existing  
2582 development of regional impact.

2583 2. An application for development approval filed with a  
2584 concurrent plan amendment application pending as of May 14,  
2585 2015, if the applicant elects to have the application reviewed  
2586 pursuant to this section as it existed on that date. The  
2587 election shall be in writing and filed with the affected local  
2588 government, regional planning council, and state land planning  
2589 agency before December 31, 2018.

2590 Section 2. Section 380.061, Florida Statutes, is amended  
2591 to read:

2592 380.061 The Florida Quality Developments program.—

2593 (1) This section only applies to developments approved as  
2594 Florida Quality Developments before the effective date of this  
2595 act ~~There is hereby created the Florida Quality Developments~~  
2596 ~~program. The intent of this program is to encourage development~~  
2597 ~~which has been thoughtfully planned to take into consideration~~  
2598 ~~protection of Florida's natural amenities, the cost to local~~  
2599 ~~government of providing services to a growing community, and the~~  
2600 ~~high quality of life Floridians desire. It is further intended~~



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2601 ~~that the developer be provided, through a cooperative and~~  
2602 ~~coordinated effort, an expeditious and timely review by all~~  
2603 ~~agencies with jurisdiction over the project of his or her~~  
2604 ~~proposed development.~~

2605       (2) Following written notification to the state land  
2606 planning agency and the appropriate regional planning agency, a  
2607 local government with an approved Florida Quality Development  
2608 within its jurisdiction must set a public hearing pursuant to  
2609 its local procedures and shall adopt a local development order  
2610 to replace and supersede the development order adopted by the  
2611 state land planning agency for the Florida Quality Development.  
2612 Thereafter, the Florida Quality Development shall follow the  
2613 procedures and requirements for developments of regional impact  
2614 as specified in this chapter ~~Developments that may be designated~~  
2615 ~~as Florida Quality Developments are those developments which are~~  
2616 ~~above 80 percent of any numerical thresholds in the guidelines~~  
2617 ~~and standards for development of regional impact review pursuant~~  
2618 ~~to s. 380.06.~~

2619       (3) (a) ~~To be eligible for designation under this program,~~  
2620 ~~the developer shall comply with each of the following~~  
2621 ~~requirements if applicable to the site of a qualified~~  
2622 ~~development:~~

2623           1. ~~Donate or enter into a binding commitment to donate the~~  
2624 ~~fee or a lesser interest sufficient to protect, in perpetuity,~~  
2625 ~~the natural attributes of the types of land listed below. In~~

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2626 ~~lieu of this requirement, the developer may enter into a binding~~  
2627 ~~commitment that runs with the land to set aside such areas on~~  
2628 ~~the property, in perpetuity, as open space to be retained in a~~  
2629 ~~natural condition or as otherwise permitted under this~~  
2630 ~~subparagraph. Under the requirements of this subparagraph, the~~  
2631 ~~developer may reserve the right to use such areas for passive~~  
2632 ~~recreation that is consistent with the purposes for which the~~  
2633 ~~land was preserved.~~

2634 ~~a. Those wetlands and water bodies throughout the state~~  
2635 ~~which would be delineated if the provisions of s. 373.4145(1)(b)~~  
2636 ~~were applied. The developer may use such areas for the purpose~~  
2637 ~~of site access, provided other routes of access are unavailable~~  
2638 ~~or impracticable; may use such areas for the purpose of~~  
2639 ~~stormwater or domestic sewage management and other necessary~~  
2640 ~~utilities if such uses are permitted pursuant to chapter 403; or~~  
2641 ~~may redesign or alter wetlands and water bodies within the~~  
2642 ~~jurisdiction of the Department of Environmental Protection which~~  
2643 ~~have been artificially created if the redesign or alteration is~~  
2644 ~~done so as to produce a more naturally functioning system.~~

2645 ~~b. Active beach or primary and, where appropriate,~~  
2646 ~~secondary dunes, to maintain the integrity of the dune system~~  
2647 ~~and adequate public accessways to the beach. However, the~~  
2648 ~~developer may retain the right to construct and maintain~~  
2649 ~~elevated walkways over the dunes to provide access to the beach.~~

2650 ~~e. Known archaeological sites determined to be of~~

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2651 ~~significance by the Division of Historical Resources of the~~  
 2652 ~~Department of State.~~

2653 ~~d. Areas known to be important to animal species~~  
 2654 ~~designated as endangered or threatened by the United States Fish~~  
 2655 ~~and Wildlife Service or by the Fish and Wildlife Conservation~~  
 2656 ~~Commission, for reproduction, feeding, or nesting; for traveling~~  
 2657 ~~between such areas used for reproduction, feeding, or nesting;~~  
 2658 ~~or for escape from predation.~~

2659 ~~e. Areas known to contain plant species designated as~~  
 2660 ~~endangered by the Department of Agriculture and Consumer~~  
 2661 ~~Services.~~

2662 ~~2. Produce, or dispose of, no substances designated as~~  
 2663 ~~hazardous or toxic substances by the United States Environmental~~  
 2664 ~~Protection Agency, the Department of Environmental Protection,~~  
 2665 ~~or the Department of Agriculture and Consumer Services. This~~  
 2666 ~~subparagraph does not apply to the production of these~~  
 2667 ~~substances in nonsignificant amounts as would occur through~~  
 2668 ~~household use or incidental use by businesses.~~

2669 ~~3. Participate in a downtown reuse or redevelopment~~  
 2670 ~~program to improve and rehabilitate a declining downtown area.~~

2671 ~~4. Incorporate no dredge and fill activities in, and no~~  
 2672 ~~stormwater discharge into, waters designated as Class II,~~  
 2673 ~~aquatic preserves, or Outstanding Florida Waters, except as~~  
 2674 ~~permitted pursuant to s. 403.813(1), and the developer~~  
 2675 ~~demonstrates that those activities meet the standards under~~

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2676 ~~Class II waters, Outstanding Florida Waters, or aquatic~~  
 2677 ~~preserves, as applicable.~~

2678 ~~5. Include open space, recreation areas, Florida-friendly~~  
 2679 ~~landscaping as defined in s. 373.185, and energy conservation~~  
 2680 ~~and minimize impermeable surfaces as appropriate to the location~~  
 2681 ~~and type of project.~~

2682 ~~6. Provide for construction and maintenance of all onsite~~  
 2683 ~~infrastructure necessary to support the project and enter into a~~  
 2684 ~~binding commitment with local government to provide an~~  
 2685 ~~appropriate fair share contribution toward the offsite impacts~~  
 2686 ~~that the development will impose on publicly funded facilities~~  
 2687 ~~and services, except offsite transportation, and condition or~~  
 2688 ~~phase the commencement of development to ensure that public~~  
 2689 ~~facilities and services, except offsite transportation, are~~  
 2690 ~~available concurrent with the impacts of the development. For~~  
 2691 ~~the purposes of offsite transportation impacts, the developer~~  
 2692 ~~shall comply, at a minimum, with the standards of the state land~~  
 2693 ~~planning agency's development of regional impact transportation~~  
 2694 ~~rule, the approved strategic regional policy plan, any~~  
 2695 ~~applicable regional planning council transportation rule, and~~  
 2696 ~~the approved local government comprehensive plan and land~~  
 2697 ~~development regulations adopted pursuant to part II of chapter~~  
 2698 ~~163.~~

2699 ~~7. Design and construct the development in a manner that~~  
 2700 ~~is consistent with the adopted state plan, the applicable~~

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2701 ~~strategic regional policy plan, and the applicable adopted local~~  
2702 ~~government comprehensive plan.~~

2703 ~~(b) In addition to the foregoing requirements, the~~  
2704 ~~developer shall plan and design his or her development in a~~  
2705 ~~manner which includes the needs of the people in this state as~~  
2706 ~~identified in the state comprehensive plan and the quality of~~  
2707 ~~life of the people who will live and work in or near the~~  
2708 ~~development. The developer is encouraged to plan and design his~~  
2709 ~~or her development in an innovative manner. These planning and~~  
2710 ~~design features may include, but are not limited to, such things~~  
2711 ~~as affordable housing, care for the elderly, urban renewal or~~  
2712 ~~redevelopment, mass transit, the protection and preservation of~~  
2713 ~~wetlands outside the jurisdiction of the Department of~~  
2714 ~~Environmental Protection or of uplands as wildlife habitat,~~  
2715 ~~provision for the recycling of solid waste, provision for onsite~~  
2716 ~~child care, enhancement of emergency management capabilities,~~  
2717 ~~the preservation of areas known to be primary habitat for~~  
2718 ~~significant populations of species of special concern designated~~  
2719 ~~by the Fish and Wildlife Conservation Commission, or community~~  
2720 ~~economic development. These additional amenities will be~~  
2721 ~~considered in determining whether the development qualifies for~~  
2722 ~~designation under this program.~~

2723 ~~(4) The department shall adopt an application for~~  
2724 ~~development designation consistent with the intent of this~~  
2725 ~~section.~~

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2726 ~~(5) (a) Before filing an application for development~~  
 2727 ~~designation, the developer shall contact the Department of~~  
 2728 ~~Economic Opportunity to arrange one or more preapplication~~  
 2729 ~~conferences with the other reviewing entities. Upon the request~~  
 2730 ~~of the developer or any of the reviewing entities, other~~  
 2731 ~~affected state or regional agencies shall participate in this~~  
 2732 ~~conference. The department, in coordination with the local~~  
 2733 ~~government with jurisdiction and the regional planning council,~~  
 2734 ~~shall provide the developer information about the Florida~~  
 2735 ~~Quality Developments designation process and the use of~~  
 2736 ~~preapplication conferences to identify issues, coordinate~~  
 2737 ~~appropriate state, regional, and local agency requirements,~~  
 2738 ~~fully address any concerns of the local government, the regional~~  
 2739 ~~planning council, and other reviewing agencies and the meeting~~  
 2740 ~~of those concerns, if applicable, through development order~~  
 2741 ~~conditions, and otherwise promote a proper, efficient, and~~  
 2742 ~~timely review of the proposed Florida Quality Development. The~~  
 2743 ~~department shall take the lead in coordinating the review~~  
 2744 ~~process.~~

2745 ~~(b) The developer shall submit the application to the~~  
 2746 ~~state land planning agency, the appropriate regional planning~~  
 2747 ~~agency, and the appropriate local government for review. The~~  
 2748 ~~review shall be conducted under the time limits and procedures~~  
 2749 ~~set forth in s. 120.60, except that the 90-day time limit shall~~  
 2750 ~~cease to run when the state land planning agency and the local~~

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2751 ~~government have notified the applicant of their decision on~~  
2752 ~~whether the development should be designated under this program.~~

2753 ~~(c) At any time prior to the issuance of the Florida~~  
2754 ~~Quality Development order, the developer of a proposed Florida~~  
2755 ~~Quality Development shall have the right to withdraw the~~  
2756 ~~proposed project from consideration as a Florida Quality~~  
2757 ~~Development. The developer may elect to convert the proposed~~  
2758 ~~project to a proposed development of regional impact. The~~  
2759 ~~conversion shall be in the form of a letter to the reviewing~~  
2760 ~~entities stating the developer's intent to seek authorization~~  
2761 ~~for the development as a development of regional impact under s.~~  
2762 ~~380.06. If a proposed Florida Quality Development converts to a~~  
2763 ~~development of regional impact, the developer shall resubmit the~~  
2764 ~~appropriate application and the development shall be subject to~~  
2765 ~~all applicable procedures under s. 380.06, except that:~~

2766 ~~1. A preapplication conference held under paragraph (a)~~  
2767 ~~satisfies the preapplication procedures requirement under s.~~  
2768 ~~380.06(7); and~~

2769 ~~2. If requested in the withdrawal letter, a finding of~~  
2770 ~~completeness of the application under paragraph (a) and s.~~  
2771 ~~120.60 may be converted to a finding of sufficiency by the~~  
2772 ~~regional planning council if such a conversion is approved by~~  
2773 ~~the regional planning council.~~

2774  
2775 ~~The regional planning council shall have 30 days to notify the~~

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2776 ~~developer if the request for conversion of completeness to~~  
2777 ~~sufficiency is granted or denied. If granted and the application~~  
2778 ~~is found sufficient, the regional planning council shall notify~~  
2779 ~~the local government that a public hearing date may be set to~~  
2780 ~~consider the development for approval as a development of~~  
2781 ~~regional impact, and the development shall be subject to all~~  
2782 ~~applicable rules, standards, and procedures of s. 380.06. If the~~  
2783 ~~request for conversion of completeness to sufficiency is denied,~~  
2784 ~~the developer shall resubmit the appropriate application for~~  
2785 ~~review and the development shall be subject to all applicable~~  
2786 ~~procedures under s. 380.06, except as otherwise provided in this~~  
2787 ~~paragraph.~~

2788 ~~(d) If the local government and state land planning agency~~  
2789 ~~agree that the project should be designated under this program,~~  
2790 ~~the state land planning agency shall issue a development order~~  
2791 ~~which incorporates the plan of development as set out in the~~  
2792 ~~application along with any agreed-upon modifications and~~  
2793 ~~conditions, based on recommendations by the local government and~~  
2794 ~~regional planning council, and a certification that the~~  
2795 ~~development is designated as one of Florida's Quality~~  
2796 ~~Developments. In the event of conflicting recommendations, the~~  
2797 ~~state land planning agency, after consultation with the local~~  
2798 ~~government and the regional planning agency, shall resolve such~~  
2799 ~~conflicts in the development order. Upon designation, the~~  
2800 ~~development, as approved, is exempt from development-of-~~



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2801 ~~regional-impact review pursuant to s. 380.06.~~

2802 ~~(c) If the local government or state land planning agency,~~  
2803 ~~or both, recommends against designation, the development shall~~  
2804 ~~undergo development-of-regional-impact review pursuant to s.~~  
2805 ~~380.06, except as provided in subsection (6) of this section.~~

2806 ~~(6) (a) In the event that the development is not designated~~  
2807 ~~under subsection (5), the developer may appeal that~~  
2808 ~~determination to the Quality Developments Review Board. The~~  
2809 ~~board shall consist of the secretary of the state land planning~~  
2810 ~~agency, the Secretary of Environmental Protection and a member~~  
2811 ~~designated by the secretary, the Secretary of Transportation,~~  
2812 ~~the executive director of the Fish and Wildlife Conservation~~  
2813 ~~Commission, the executive director of the appropriate water~~  
2814 ~~management district created pursuant to chapter 373, and the~~  
2815 ~~chief executive officer of the appropriate local government.~~  
2816 ~~When there is a significant historical or archaeological site~~  
2817 ~~within the boundaries of a development which is appealed to the~~  
2818 ~~board, the director of the Division of Historical Resources of~~  
2819 ~~the Department of State shall also sit on the board. The staff~~  
2820 ~~of the state land planning agency shall serve as staff to the~~  
2821 ~~board.~~

2822 ~~(b) The board shall meet once each quarter of the year.~~  
2823 ~~However, a meeting may be waived if no appeals are pending.~~

2824 ~~(c) On appeal, the sole issue shall be whether the~~  
2825 ~~development meets the statutory criteria for designation under~~

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2826 ~~this program. An affirmative vote of at least five members of~~  
 2827 ~~the board, including the affirmative vote of the chief executive~~  
 2828 ~~officer of the appropriate local government, shall be necessary~~  
 2829 ~~to designate the development by the board.~~

2830 ~~(d) The state land planning agency shall adopt procedural~~  
 2831 ~~rules for consideration of appeals under this subsection.~~

2832 ~~(7)(a) The development order issued pursuant to this~~  
 2833 ~~section is enforceable in the same manner as a development order~~  
 2834 ~~issued pursuant to s. 380.06.~~

2835 ~~(b) Appeal of a development order issued pursuant to this~~  
 2836 ~~section shall be available only pursuant to s. 380.07.~~

2837 ~~(8)(a) Any local government comprehensive plan amendments~~  
 2838 ~~related to a Florida Quality Development may be initiated by a~~  
 2839 ~~local planning agency and considered by the local governing body~~  
 2840 ~~at the same time as the application for development approval.~~  
 2841 ~~Nothing in this subsection shall be construed to require~~  
 2842 ~~favorable consideration of a Florida Quality Development solely~~  
 2843 ~~because it is related to a development of regional impact.~~

2844 ~~(b) The department shall adopt, by rule, standards and~~  
 2845 ~~procedures necessary to implement the Florida Quality~~  
 2846 ~~Developments program. The rules must include, but need not be~~  
 2847 ~~limited to, provisions governing annual reports and criteria for~~  
 2848 ~~determining whether a proposed change to an approved Florida~~  
 2849 ~~Quality Development is a substantial change requiring further~~  
 2850 ~~review.~~

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2851 Section 3. Section 380.0651, Florida Statutes, is amended  
 2852 to read:

2853 380.0651 Statewide guidelines, and standards, and  
 2854 exemptions.—

2855 (1) STATEWIDE GUIDELINES AND STANDARDS.—~~The statewide~~  
 2856 ~~guidelines and standards for developments required to undergo~~  
 2857 ~~development of regional impact review provided in this section~~  
 2858 ~~supersede the statewide guidelines and standards previously~~  
 2859 ~~adopted by the Administration Commission that address the same~~  
 2860 ~~development. Other standards and guidelines previously adopted~~  
 2861 ~~by the Administration Commission, including the residential~~  
 2862 ~~standards and guidelines, shall not be superseded. The~~  
 2863 ~~guidelines and standards shall be applied in the manner~~  
 2864 ~~described in s. 380.06(2)(a).~~

2865 (2) ~~The Administration Commission shall publish the~~  
 2866 ~~statewide guidelines and standards established in this section~~  
 2867 ~~in its administrative rule in place of the guidelines and~~  
 2868 ~~standards that are superseded by this act, without the~~  
 2869 ~~proceedings required by s. 120.54 and notwithstanding the~~  
 2870 ~~provisions of s. 120.545(1)(c). The Administration Commission~~  
 2871 ~~shall initiate rulemaking proceedings pursuant to s. 120.54 to~~  
 2872 ~~make all other technical revisions necessary to conform the~~  
 2873 ~~rules to this act. Rule amendments made pursuant to this~~  
 2874 ~~subsection shall not be subject to the requirement for~~  
 2875 ~~legislative approval pursuant to s. 380.06(2).~~

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2876 ~~(3)~~ Subject to the exemptions and partial exemptions  
 2877 specified in this section, the following statewide guidelines  
 2878 and standards shall be applied in the manner described in s.  
 2879 380.06(2) to determine whether the following developments are  
 2880 subject to the requirements of s. 380.06 ~~shall be required to~~  
 2881 ~~undergo development of regional impact review:~~

2882 (a) *Airports.*—

2883 1. Any of the following airport construction projects is  
 2884 ~~shall be~~ a development of regional impact:

2885 a. A new commercial service or general aviation airport  
 2886 with paved runways.

2887 b. A new commercial service or general aviation paved  
 2888 runway.

2889 c. A new passenger terminal facility.

2890 2. Lengthening of an existing runway by 25 percent or an  
 2891 increase in the number of gates by 25 percent or three gates,  
 2892 whichever is greater, on a commercial service airport or a  
 2893 general aviation airport with regularly scheduled flights is a  
 2894 development of regional impact. However, expansion of existing  
 2895 terminal facilities at a nonhub or small hub commercial service  
 2896 airport is ~~shall~~ not be a development of regional impact.

2897 3. Any airport development project which is proposed for  
 2898 safety, repair, or maintenance reasons alone and would not have  
 2899 the potential to increase or change existing types of aircraft  
 2900 activity is not a development of regional impact.

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2901 Notwithstanding subparagraphs 1. and 2., renovation,  
2902 modernization, or replacement of airport airside or terminal  
2903 facilities that may include increases in square footage of such  
2904 facilities but does not increase the number of gates or change  
2905 the existing types of aircraft activity is not a development of  
2906 regional impact.

2907 (b) *Attractions and recreation facilities.*—Any sports,  
2908 entertainment, amusement, or recreation facility, including, but  
2909 not limited to, a sports arena, stadium, racetrack, tourist  
2910 attraction, amusement park, or pari-mutuel facility, the  
2911 construction or expansion of which:

2912 1. For single performance facilities:

2913 a. Provides parking spaces for more than 2,500 cars; or

2914 b. Provides more than 10,000 permanent seats for  
2915 spectators.

2916 2. For serial performance facilities:

2917 a. Provides parking spaces for more than 1,000 cars; or

2918 b. Provides more than 4,000 permanent seats for  
2919 spectators.

2920  
2921 For purposes of this subsection, "serial performance facilities"  
2922 means those using their parking areas or permanent seating more  
2923 than one time per day on a regular or continuous basis.

2924 (c) *Office development.*—Any proposed office building or  
2925 park operated under common ownership, development plan, or

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2926 management that:

2927 1. Encompasses 300,000 or more square feet of gross floor  
2928 area; or

2929 2. Encompasses more than 600,000 square feet of gross  
2930 floor area in a county with a population greater than 500,000  
2931 and only in a geographic area specifically designated as highly  
2932 suitable for increased threshold intensity in the approved local  
2933 comprehensive plan.

2934 (d) *Retail and service development.*—Any proposed retail,  
2935 service, or wholesale business establishment or group of  
2936 establishments which deals primarily with the general public  
2937 onsite, operated under one common property ownership,  
2938 development plan, or management that:

2939 1. Encompasses more than 400,000 square feet of gross  
2940 area; or

2941 2. Provides parking spaces for more than 2,500 cars.

2942 (e) *Recreational vehicle development.*—Any proposed  
2943 recreational vehicle development planned to create or  
2944 accommodate 500 or more spaces.

2945 (f) *Multiuse development.*—Any proposed development with  
2946 two or more land uses where the sum of the percentages of the  
2947 appropriate thresholds identified in chapter 28-24, Florida  
2948 Administrative Code, or this section for each land use in the  
2949 development is equal to or greater than 145 percent. Any  
2950 proposed development with three or more land uses, one of which

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2951 is residential and contains at least 100 dwelling units or 15  
2952 percent of the applicable residential threshold, whichever is  
2953 greater, where the sum of the percentages of the appropriate  
2954 thresholds identified in chapter 28-24, Florida Administrative  
2955 Code, or this section for each land use in the development is  
2956 equal to or greater than 160 percent. This threshold is in  
2957 addition to, and does not preclude, a development from being  
2958 required to undergo development-of-regional-impact review under  
2959 any other threshold.

2960 (g) *Residential development.*—A rule may not be adopted  
2961 concerning residential developments which treats a residential  
2962 development in one county as being located in a less populated  
2963 adjacent county unless more than 25 percent of the development  
2964 is located within 2 miles or less of the less populated adjacent  
2965 county. The residential thresholds of adjacent counties with  
2966 less population and a lower threshold may not be controlling on  
2967 any development wholly located within areas designated as rural  
2968 areas of opportunity.

2969 (h) *Workforce housing.*—The applicable guidelines for  
2970 residential development and the residential component for  
2971 multiuse development shall be increased by 50 percent where the  
2972 developer demonstrates that at least 15 percent of the total  
2973 residential dwelling units authorized within the development of  
2974 regional impact will be dedicated to affordable workforce  
2975 housing, subject to a recorded land use restriction that shall

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2976 | be for a period of not less than 20 years and that includes  
2977 | resale provisions to ensure long-term affordability for income-  
2978 | eligible homeowners and renters and provisions for the workforce  
2979 | housing to be commenced prior to the completion of 50 percent of  
2980 | the market rate dwelling. For purposes of this paragraph, the  
2981 | term "affordable workforce housing" means housing that is  
2982 | affordable to a person who earns less than 120 percent of the  
2983 | area median income, or less than 140 percent of the area median  
2984 | income if located in a county in which the median purchase price  
2985 | for a single-family existing home exceeds the statewide median  
2986 | purchase price of a single-family existing home. For the  
2987 | purposes of this paragraph, the term "statewide median purchase  
2988 | price of a single-family existing home" means the statewide  
2989 | purchase price as determined in the Florida Sales Report,  
2990 | Single-Family Existing Homes, released each January by the  
2991 | Florida Association of Realtors and the University of Florida  
2992 | Real Estate Research Center.

2993 |       (i) *Schools.*—

2994 |       1. The proposed construction of any public, private, or  
2995 | proprietary postsecondary educational campus which provides for  
2996 | a design population of more than 5,000 full-time equivalent  
2997 | students, or the proposed physical expansion of any public,  
2998 | private, or proprietary postsecondary educational campus having  
2999 | such a design population that would increase the population by  
3000 | at least 20 percent of the design population.



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3001           2. As used in this paragraph, "full-time equivalent  
 3002 student" means enrollment for 15 or more quarter hours during a  
 3003 single academic semester. In career centers or other  
 3004 institutions which do not employ semester hours or quarter hours  
 3005 in accounting for student participation, enrollment for 18  
 3006 contact hours shall be considered equivalent to one quarter  
 3007 hour, and enrollment for 27 contact hours shall be considered  
 3008 equivalent to one semester hour.

3009           3. This paragraph does not apply to institutions which are  
 3010 the subject of a campus master plan adopted by the university  
 3011 board of trustees pursuant to s. 1013.30.

3012           (2) STATUTORY EXEMPTIONS.—The following developments are  
 3013 exempt from s. 380.06:

3014           (a) Any proposed hospital.

3015           (b) Any proposed electrical transmission line or  
 3016 electrical power plant.

3017           (c) Any proposed addition to an existing sports facility  
 3018 complex if the addition meets the following characteristics:

3019           1. It would not operate concurrently with the scheduled  
 3020 hours of operation of the existing facility;

3021           2. Its seating capacity would be no more than 75 percent  
 3022 of the capacity of the existing facility; and

3023           3. The sports facility complex property was owned by a  
 3024 public body before July 1, 1983.

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3026 This exemption does not apply to any pari-mutuel facility as  
3027 defined in s. 550.002.

3028 (d) Any proposed addition or cumulative additions  
3029 subsequent to July 1, 1988, to an existing sports facility  
3030 complex owned by a state university, if the increased seating  
3031 capacity of the complex is no more than 30 percent of the  
3032 capacity of the existing facility.

3033 (e) Any addition of permanent seats or parking spaces for  
3034 an existing sports facility located on property owned by a  
3035 public body before July 1, 1973, if future additions do not  
3036 expand existing permanent seating or parking capacity more than  
3037 15 percent annually in excess of the prior year's capacity.

3038 (f) Any increase in the seating capacity of an existing  
3039 sports facility having a permanent seating capacity of at least  
3040 50,000 spectators, provided that such an increase does not  
3041 increase permanent seating capacity by more than 5 percent per  
3042 year and does not exceed a total of 10 percent in any 5-year  
3043 period. The sports facility must notify the appropriate local  
3044 government within which the facility is located of the increase  
3045 at least 6 months before the initial use of the increased  
3046 seating in order to permit the appropriate local government to  
3047 develop a traffic management plan for the traffic generated by  
3048 the increase. Any traffic management plan must be consistent  
3049 with the local comprehensive plan, the regional policy plan, and  
3050 the state comprehensive plan.

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3051 (g) Any expansion in the permanent seating capacity or  
 3052 additional improved parking facilities of an existing sports  
 3053 facility, if the following conditions exist:

3054 1.a. The sports facility had a permanent seating capacity  
 3055 on January 1, 1991, of at least 41,000 spectator seats;

3056 b. The sum of such expansions in permanent seating  
 3057 capacity does not exceed a total of 10 percent in any 5-year  
 3058 period and does not exceed a cumulative total of 20 percent for  
 3059 any such expansions; or

3060 c. The increase in additional improved parking facilities  
 3061 is a one-time addition and does not exceed 3,500 parking spaces  
 3062 servicing the sports facility; and

3063 2. The local government having jurisdiction over the  
 3064 sports facility includes in the development order or development  
 3065 permit approving such expansion under this paragraph a finding  
 3066 of fact that the proposed expansion is consistent with the  
 3067 transportation, water, sewer, and stormwater drainage provisions  
 3068 of the approved local comprehensive plan and local land  
 3069 development regulations relating to those provisions.

3070  
 3071 Any owner or developer who intends to rely on this statutory  
 3072 exemption shall provide to the state land planning agency a copy  
 3073 of the local government application for a development permit.

3074 Within 45 days after receipt of the application, the state land  
 3075 planning agency shall render to the local government an advisory

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3076 and nonbinding opinion, in writing, stating whether, in the  
3077 state land planning agency's opinion, the prescribed conditions  
3078 exist for an exemption under this paragraph. The local  
3079 government shall render the development order approving each  
3080 such expansion to the state land planning agency. The owner,  
3081 developer, or state land planning agency may appeal the local  
3082 government development order pursuant to s. 380.07 within 45  
3083 days after the order is rendered. The scope of review shall be  
3084 limited to the determination of whether the conditions  
3085 prescribed in this paragraph exist. If any sports facility  
3086 expansion undergoes development-of-regional-impact review, all  
3087 previous expansions that were exempt under this paragraph must  
3088 be included in the development-of-regional-impact review.

3089 (h) Expansion to port harbors, spoil disposal sites,  
3090 navigation channels, turning basins, harbor berths, and other  
3091 related inwater harbor facilities of the ports specified in s.  
3092 403.021(9)(b), port transportation facilities and projects  
3093 listed in s. 311.07(3)(b), and intermodal transportation  
3094 facilities identified pursuant to s. 311.09(3) when such  
3095 expansions, projects, or facilities are consistent with port  
3096 master plans and are in compliance with s. 163.3178.

3097 (i) Any proposed facility for the storage of any petroleum  
3098 product or any expansion of an existing facility.

3099 (j) Any renovation or redevelopment within the same parcel  
3100 as the existing development if such renovation or redevelopment

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3101 does not change land use or increase density or intensity of  
 3102 use.

3103 (k) Waterport and marina development, including dry  
 3104 storage facilities.

3105 (l) Any proposed development within an urban service area  
 3106 boundary established under s. 163.3177(14), Florida Statutes  
 3107 2010, that is not otherwise exempt pursuant to subsection (3),  
 3108 if the local government having jurisdiction over the area where  
 3109 the development is proposed has adopted the urban service area  
 3110 boundary and has entered into a binding agreement with  
 3111 jurisdictions that would be impacted and with the Department of  
 3112 Transportation regarding the mitigation of impacts on state and  
 3113 regional transportation facilities.

3114 (m) Any proposed development within a rural land  
 3115 stewardship area created under s. 163.3248.

3116 (n) The establishment, relocation, or expansion of any  
 3117 military installation as specified in s. 163.3175.

3118 (o) Any self-storage warehousing that does not allow  
 3119 retail or other services.

3120 (p) Any proposed nursing home or assisted living facility.

3121 (q) Any development identified in an airport master plan  
 3122 and adopted into the comprehensive plan pursuant to s.  
 3123 163.3177(6)(b)4.

3124 (r) Any development identified in a campus master plan and  
 3125 adopted pursuant to s. 1013.30.

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3126 (s) Any development in a detailed specific area plan  
 3127 prepared and adopted pursuant to s. 163.3245.

3128 (t) Any proposed solid mineral mine and any proposed  
 3129 addition to, expansion of, or change to an existing solid  
 3130 mineral mine. A mine owner must, however, enter into a binding  
 3131 agreement with the Department of Transportation to mitigate  
 3132 impacts to strategic intermodal system facilities. Proposed  
 3133 changes to any previously approved solid mineral mine  
 3134 development-of-regional-impact development orders having vested  
 3135 rights are not subject to further review or approval as a  
 3136 development-of-regional-impact or notice-of-proposed-change  
 3137 review or approval pursuant to subsection (19), except for those  
 3138 applications pending as of July 1, 2011, which are governed by  
 3139 s. 380.115(2). Notwithstanding this requirement, pursuant to s.  
 3140 380.115(1), a previously approved solid mineral mine  
 3141 development-of-regional-impact development order continues to  
 3142 have vested rights and continues to be effective unless  
 3143 rescinded by the developer. All local government regulations of  
 3144 proposed solid mineral mines are applicable to any new solid  
 3145 mineral mine or to any proposed addition to, expansion of, or  
 3146 change to an existing solid mineral mine.

3147 (u) Notwithstanding any provision in an agreement with or  
 3148 among a local government, regional agency, or the state land  
 3149 planning agency or in a local government's comprehensive plan to  
 3150 the contrary, a project no longer subject to development-of-

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3151 regional-impact review under the revised thresholds specified in  
3152 s. 380.06(2)(b) and this section.

3153 (v) Any development within a county that has a research  
3154 and education authority created by special act and which is also  
3155 within a research and development park that is operated or  
3156 managed by a research and development authority pursuant to part  
3157 V of chapter 159.

3158 (w) Any development in an energy economic zone designated  
3159 pursuant to s. 377.809 upon approval by its local governing  
3160 body.

3161  
3162 If a use is exempt from review pursuant to paragraphs (a)-(u),  
3163 but will be part of a larger project that is subject to review  
3164 pursuant to s. 380.06(12), the impact of the exempt use must be  
3165 included in the review of the larger project, unless such exempt  
3166 use involves a development that includes a landowner, tenant, or  
3167 user that has entered into a funding agreement with the state  
3168 land planning agency under the Innovation Incentive Program and  
3169 the agreement contemplates a state award of at least \$50  
3170 million.

3171 (3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

3172 (a) The following are exempt from the requirements of s.  
3173 380.06:

3174 1. Any proposed development in a municipality having an  
3175 average of at least 1,000 people per square mile of land area

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3176 | and a minimum total population of at least 5,000;

3177 |       2. Any proposed development within a county, including the  
 3178 | municipalities located therein, having an average of at least  
 3179 | 1,000 people per square mile of land area and the development is  
 3180 | located within an urban service area as defined in s. 163.3164  
 3181 | which has been adopted into the comprehensive plan as defined in  
 3182 | s. 163.3164;

3183 |       3. Any proposed development within a county, including the  
 3184 | municipalities located therein, having a population of at least  
 3185 | 900,000 and an average of at least 1,000 people per square mile  
 3186 | of land area, but which does not have an urban service area  
 3187 | designated in the comprehensive plan; and

3188 |       4. Any proposed development within a county, including the  
 3189 | municipalities located therein, having a population of at least  
 3190 | 1 million and the development is located within an urban service  
 3191 | area as defined in s. 163.3164 which has been adopted into the  
 3192 | comprehensive plan.

3193 |  
 3194 | The Office of Economic and Demographic Research within the  
 3195 | Legislature shall annually calculate the population and density  
 3196 | criteria needed to determine which jurisdictions meet the  
 3197 | density criteria in subparagraphs 1.-4. by using the most recent  
 3198 | land area data from the decennial census conducted by the Bureau  
 3199 | of the Census of the United States Department of Commerce and  
 3200 | the latest available population estimates determined pursuant to



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3201 s. 186.901. If any local government has had an annexation,  
 3202 contraction, or new incorporation, the Office of Economic and  
 3203 Demographic Research shall determine the population density  
 3204 using the new jurisdictional boundaries as recorded in  
 3205 accordance with s. 171.091. The Office of Economic and  
 3206 Demographic Research shall annually submit to the state land  
 3207 planning agency by July 1 a list of jurisdictions that meet the  
 3208 total population and density criteria. The state land planning  
 3209 agency shall publish the list of jurisdictions on its website  
 3210 within 7 days after the list is received. The designation of  
 3211 jurisdictions that meet the criteria of subparagraphs 1.-4. is  
 3212 effective upon publication on the state land planning agency's  
 3213 website. If a municipality that has previously met the criteria  
 3214 no longer meets the criteria, the state land planning agency  
 3215 must maintain the municipality on the list and indicate the year  
 3216 the jurisdiction last met the criteria. However, any proposed  
 3217 development of regional impact not within the established  
 3218 boundaries of a municipality at the time the municipality last  
 3219 met the criteria must meet the requirements of this section  
 3220 until the municipality as a whole meets the criteria. Any county  
 3221 that meets the criteria must remain on the list. Any  
 3222 jurisdiction that was placed on the dense urban land area list  
 3223 before June 2, 2011, must remain on the list.

3224 (b) If a municipality that does not qualify as a dense  
 3225 urban land area pursuant to paragraph (a) designates any of the

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3226 following areas in its comprehensive plan, any proposed  
 3227 development within the designated area is exempt from s. 380.06  
 3228 unless otherwise required by part II of chapter 163:

- 3229 1. Urban infill as defined in s. 163.3164;
- 3230 2. Community redevelopment areas as defined in s. 163.340;
- 3231 3. Downtown revitalization areas as defined in s.  
 3232 163.3164;
- 3233 4. Urban infill and redevelopment under s. 163.2517; or
- 3234 5. Urban service areas as defined in s. 163.3164 or areas  
 3235 within a designated urban service area boundary pursuant to s.  
 3236 163.3177(14), Florida Statutes 2010.

3237 (c) If a county that does not qualify as a dense urban  
 3238 land area designates any of the following areas in its  
 3239 comprehensive plan, any proposed development within the  
 3240 designated area is exempt from the development-of-regional-  
 3241 impact process:

- 3242 1. Urban infill as defined in s. 163.3164;
- 3243 2. Urban infill and redevelopment pursuant to s. 163.2517;
- 3244 or
- 3245 3. Urban service areas as defined in s. 163.3164.

3246 (d) If any portion of the development is located in an  
 3247 area that is not exempt from review under s. 380.06, the  
 3248 development must undergo review pursuant to that section.

3249 (e) In an area that is exempt under paragraphs (a), (b),  
 3250 and (c), any previously approved development-of-regional-impact

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3251 development orders shall continue to be effective. However, the  
 3252 developer has the option to be governed by s. 380.115(1).

3253 (f) If a local government qualifies as a dense urban land  
 3254 area under this subsection and is subsequently found to be  
 3255 ineligible for designation as a dense urban land area, any  
 3256 development located within that area which has a complete,  
 3257 pending application for authorization to commence development  
 3258 shall maintain the exemption if the developer is continuing the  
 3259 application process in good faith or the development is  
 3260 approved.

3261 (g) This subsection does not limit or modify the rights of  
 3262 any person to complete any development that has been authorized  
 3263 as a development of regional impact pursuant to this chapter.

3264 (h) This subsection does not apply to areas:

3265 1. Within the boundary of any area of critical state  
 3266 concern designated pursuant to s. 380.05;

3267 2. Within the boundary of the Wekiva Study Area as  
 3268 described in s. 369.316; or

3269 3. Within 2 miles of the boundary of the Everglades  
 3270 Protection Area as defined in s. 373.4592.

3271 (4) PARTIAL STATUTORY EXEMPTIONS.—

3272 (a) If the binding agreement referenced under paragraph  
 3273 (2)(1) for urban service boundaries is not entered into within  
 3274 12 months after establishment of the urban service area  
 3275 boundary, the review pursuant to s. 380.06(12) for projects

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3276 within the urban service area boundary must address  
 3277 transportation impacts only.

3278 (b) If the binding agreement referenced under paragraph  
 3279 (2) (m) for rural land stewardship areas is not entered into  
 3280 within 12 months after the designation of a rural land  
 3281 stewardship area, the review pursuant to s. 380.06(12) for  
 3282 projects within the rural land stewardship area must address  
 3283 transportation impacts only.

3284 (c) If the binding agreement for designated urban infill  
 3285 and redevelopment areas is not entered into within 12 months  
 3286 after the designation of the area or July 1, 2007, whichever  
 3287 occurs later, the review pursuant to s. 380.06(12) for projects  
 3288 within the urban infill and redevelopment area must address  
 3289 transportation impacts only.

3290 (d) A local government that does not wish to enter into a  
 3291 binding agreement or that is unable to agree on the terms of the  
 3292 agreement referenced under paragraph (2) (l) or paragraph (2) (m)  
 3293 must provide written notification to the state land planning  
 3294 agency of the decision to not enter into a binding agreement or  
 3295 the failure to enter into a binding agreement within the 12-  
 3296 month period referenced in paragraphs (a), (b), and (c).  
 3297 Following the notification of the state land planning agency, a  
 3298 review pursuant to s. 380.06(12) for projects within an urban  
 3299 service area boundary under paragraph (2) (l), or a rural land  
 3300 stewardship area under paragraph (2) (m), must address

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3301 transportation impacts only.

3302 (e) The vesting provision of s. 163.3167(5) relating to an  
 3303 authorized development of regional impact does not apply to  
 3304 those projects partially exempt from s. 380.06 under paragraphs  
 3305 (a)-(d) of this subsection.

3306 ~~(4) Two or more developments, represented by their owners~~  
 3307 ~~or developers to be separate developments, shall be aggregated~~  
 3308 ~~and treated as a single development under this chapter when they~~  
 3309 ~~are determined to be part of a unified plan of development and~~  
 3310 ~~are physically proximate to one other.~~

3311 ~~(a) The criteria of three of the following subparagraphs~~  
 3312 ~~must be met in order for the state land planning agency to~~  
 3313 ~~determine that there is a unified plan of development:~~

3314 ~~1.a. The same person has retained or shared control of the~~  
 3315 ~~developments;~~

3316 ~~b. The same person has ownership or a significant legal or~~  
 3317 ~~equitable interest in the developments; or~~

3318 ~~e. There is common management of the developments~~  
 3319 ~~controlling the form of physical development or disposition of~~  
 3320 ~~parcels of the development.~~

3321 ~~2. There is a reasonable closeness in time between the~~  
 3322 ~~completion of 80 percent or less of one development and the~~  
 3323 ~~submission to a governmental agency of a master plan or series~~  
 3324 ~~of plans or drawings for the other development which is~~  
 3325 ~~indicative of a common development effort.~~

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3326 ~~3. A master plan or series of plans or drawings exists~~  
 3327 ~~covering the developments sought to be aggregated which have~~  
 3328 ~~been submitted to a local general-purpose government, water~~  
 3329 ~~management district, the Florida Department of Environmental~~  
 3330 ~~Protection, or the Division of Florida Condominiums, Timeshares,~~  
 3331 ~~and Mobile Homes for authorization to commence development. The~~  
 3332 ~~existence or implementation of a utility's master utility plan~~  
 3333 ~~required by the Public Service Commission or general-purpose~~  
 3334 ~~local government or a master drainage plan shall not be the sole~~  
 3335 ~~determinant of the existence of a master plan.~~

3336 ~~4. There is a common advertising scheme or promotional~~  
 3337 ~~plan in effect for the developments sought to be aggregated.~~

3338 ~~(b) The following activities or circumstances shall not be~~  
 3339 ~~considered in determining whether to aggregate two or more~~  
 3340 ~~developments:~~

3341 ~~1. Activities undertaken leading to the adoption or~~  
 3342 ~~amendment of any comprehensive plan element described in part II~~  
 3343 ~~of chapter 163.~~

3344 ~~2. The sale of unimproved parcels of land, where the~~  
 3345 ~~seller does not retain significant control of the future~~  
 3346 ~~development of the parcels.~~

3347 ~~3. The fact that the same lender has a financial interest,~~  
 3348 ~~including one acquired through foreclosure, in two or more~~  
 3349 ~~parcels, so long as the lender is not an active participant in~~  
 3350 ~~the planning, management, or development of the parcels in which~~

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3351 ~~it has an interest.~~

3352 ~~4. Drainage improvements that are not designed to~~  
3353 ~~accommodate the types of development listed in the guidelines~~  
3354 ~~and standards contained in or adopted pursuant to this chapter~~  
3355 ~~or which are not designed specifically to accommodate the~~  
3356 ~~developments sought to be aggregated.~~

3357 ~~(c) Aggregation is not applicable when the following~~  
3358 ~~circumstances and provisions of this chapter apply:~~

3359 ~~1. Developments that are otherwise subject to aggregation~~  
3360 ~~with a development of regional impact which has received~~  
3361 ~~approval through the issuance of a final development order may~~  
3362 ~~not be aggregated with the approved development of regional~~  
3363 ~~impact. However, this subparagraph does not preclude the state~~  
3364 ~~land planning agency from evaluating an allegedly separate~~  
3365 ~~development as a substantial deviation pursuant to s. 380.06(19)~~  
3366 ~~or as an independent development of regional impact.~~

3367 ~~2. Two or more developments, each of which is~~  
3368 ~~independently a development of regional impact that has or will~~  
3369 ~~obtain a development order pursuant to s. 380.06.~~

3370 ~~3. Completion of any development that has been vested~~  
3371 ~~pursuant to s. 380.05 or s. 380.06, including vested rights~~  
3372 ~~arising out of agreements entered into with the state land~~  
3373 ~~planning agency for purposes of resolving vested rights issues.~~  
3374 ~~Development of regional impact review of additions to vested~~  
3375 ~~developments of regional impact shall not include review of the~~

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3376 ~~impacts resulting from the vested portions of the development.~~

3377 ~~4. The developments sought to be aggregated were~~  
 3378 ~~authorized to commence development before September 1, 1988, and~~  
 3379 ~~could not have been required to be aggregated under the law~~  
 3380 ~~existing before that date.~~

3381 ~~5. Any development that qualifies for an exemption under~~  
 3382 ~~s. 380.06(29).~~

3383 ~~6. Newly acquired lands intended for development in~~  
 3384 ~~coordination with a developed and existing development of~~  
 3385 ~~regional impact are not subject to aggregation if the newly~~  
 3386 ~~acquired lands comprise an area that is equal to or less than 10~~  
 3387 ~~percent of the total acreage subject to an existing development-~~  
 3388 ~~of-regional-impact-development order.~~

3389 ~~(d) The provisions of this subsection shall be applied~~  
 3390 ~~prospectively from September 1, 1988. Written decisions,~~  
 3391 ~~agreements, and binding letters of interpretation made or issued~~  
 3392 ~~by the state land planning agency prior to July 1, 1988, shall~~  
 3393 ~~not be affected by this subsection.~~

3394 ~~(e) In order to encourage developers to design, finance,~~  
 3395 ~~donate, or build infrastructure, public facilities, or services,~~  
 3396 ~~the state land planning agency may enter into binding agreements~~  
 3397 ~~with two or more developers providing that the joint planning,~~  
 3398 ~~sharing, or use of specified public infrastructure, facilities,~~  
 3399 ~~or services by the developers shall not be considered in any~~  
 3400 ~~subsequent determination of whether a unified plan of~~



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3401 ~~development exists for their developments. Such binding~~  
 3402 ~~agreements may authorize the developers to pool impact fees or~~  
 3403 ~~impact-fee credits, or to enter into front-end agreements, or~~  
 3404 ~~other financing arrangements by which they collectively agree to~~  
 3405 ~~design, finance, donate, or build such public infrastructure,~~  
 3406 ~~facilities, or services. Such agreements shall be conditioned~~  
 3407 ~~upon a subsequent determination by the appropriate local~~  
 3408 ~~government of consistency with the approved local government~~  
 3409 ~~comprehensive plan and land development regulations.~~  
 3410 ~~Additionally, the developers must demonstrate that the provision~~  
 3411 ~~and sharing of public infrastructure, facilities, or services is~~  
 3412 ~~in the public interest and not merely for the benefit of the~~  
 3413 ~~developments which are the subject of the agreement.~~  
 3414 ~~Developments that are the subject of an agreement pursuant to~~  
 3415 ~~this paragraph shall be aggregated if the state land planning~~  
 3416 ~~agency determines that sufficient aggregation factors are~~  
 3417 ~~present to require aggregation without considering the design~~  
 3418 ~~features, financial arrangements, donations, or construction~~  
 3419 ~~that are specified in and required by the agreement.~~

3420 ~~(f) The state land planning agency has authority to adopt~~  
 3421 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~  
 3422 ~~provisions of this subsection.~~

3423 Section 4. Section 380.07, Florida Statutes, is amended to  
 3424 read:

3425 380.07 Florida Land and Water Adjudicatory Commission.—

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3426 (1) There is hereby created the Florida Land and Water  
 3427 Adjudicatory Commission, which shall consist of the  
 3428 Administration Commission. The commission may adopt rules  
 3429 necessary to ensure compliance with the area of critical state  
 3430 concern program ~~and the requirements for developments of~~  
 3431 ~~regional impact as set forth in this chapter.~~

3432 (2) Whenever any local government issues any development  
 3433 order in any area of critical state concern, or in regard to the  
 3434 abandonment of any approved development of regional impact,  
 3435 copies of such orders as prescribed by rule by the state land  
 3436 planning agency shall be transmitted to the state land planning  
 3437 agency, the regional planning agency, and the owner or developer  
 3438 of the property affected by such order. The state land planning  
 3439 agency shall adopt rules describing development order rendition  
 3440 and effectiveness in designated areas of critical state concern.  
 3441 Within 45 days after the order is rendered, the owner, the  
 3442 developer, or the state land planning agency may appeal the  
 3443 order to the Florida Land and Water Adjudicatory Commission by  
 3444 filing a petition alleging that the development order is not  
 3445 consistent with ~~the provisions of this part. The appropriate~~  
 3446 ~~regional planning agency by vote at a regularly scheduled~~  
 3447 ~~meeting may recommend that the state land planning agency~~  
 3448 ~~undertake an appeal of a development of regional impact~~  
 3449 ~~development order. Upon the request of an appropriate regional~~  
 3450 ~~planning council, affected local government, or any citizen, the~~

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3451 ~~state land planning agency shall consider whether to appeal the~~  
 3452 ~~order and shall respond to the request within the 45-day appeal~~  
 3453 ~~period.~~

3454 (3) Notwithstanding any other provision of law, an appeal  
 3455 of a development order in an area of critical state concern by  
 3456 the state land planning agency under this section may include  
 3457 consistency of the development order with the local  
 3458 comprehensive plan. ~~However, if a development order relating to~~  
 3459 ~~a development of regional impact has been challenged in a~~  
 3460 ~~proceeding under s. 163.3215 and a party to the proceeding~~  
 3461 ~~serves notice to the state land planning agency of the pending~~  
 3462 ~~proceeding under s. 163.3215, the state land planning agency~~  
 3463 ~~shall:~~

3464 ~~(a) Raise its consistency issues by intervening as a full~~  
 3465 ~~party in the pending proceeding under s. 163.3215 within 30 days~~  
 3466 ~~after service of the notice; and~~

3467 ~~(b) Dismiss the consistency issues from the development~~  
 3468 ~~order appeal.~~

3469 (4) ~~The appellant shall furnish a copy of the petition to~~  
 3470 ~~the opposing party, as the case may be, and to the local~~  
 3471 ~~government that issued the order. The filing of the petition~~  
 3472 ~~stays the effectiveness of the order until after the completion~~  
 3473 ~~of the appeal process.~~

3474 ~~(5) The 45-day appeal period for a development of regional~~  
 3475 ~~impact within the jurisdiction of more than one local government~~

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3476 ~~shall not commence until after all the local governments having~~  
 3477 ~~jurisdiction over the proposed development of regional impact~~  
 3478 ~~have rendered their development orders.~~ The appellant shall  
 3479 furnish a copy of the notice of appeal to the opposing party, as  
 3480 the case may be, and to the local government that ~~which~~ issued  
 3481 the order. The filing of the notice of appeal stays ~~shall stay~~  
 3482 the effectiveness of the order until after the completion of the  
 3483 appeal process.

3484 (5) ~~(6)~~ Before ~~Prior to~~ issuing an order, the Florida Land  
 3485 and Water Adjudicatory Commission shall hold a hearing pursuant  
 3486 to ~~the provisions of~~ chapter 120. The commission shall encourage  
 3487 the submission of appeals on the record made pursuant to  
 3488 subsection (7) ~~below~~ in cases in which the development order was  
 3489 issued after a full and complete hearing before the local  
 3490 government or an agency thereof.

3491 (6) ~~(7)~~ The Florida Land and Water Adjudicatory Commission  
 3492 shall issue a decision granting or denying permission to develop  
 3493 pursuant to the standards of this chapter and may attach  
 3494 conditions and restrictions to its decisions.

3495 (7) ~~(8)~~ If an appeal is filed with respect to any issues  
 3496 within the scope of a permitting program authorized by chapter  
 3497 161, chapter 373, or chapter 403 and for which a permit or  
 3498 conceptual review approval has been obtained before ~~prior to~~ the  
 3499 issuance of a development order, any such issue shall be  
 3500 specifically identified in the notice of appeal which is filed

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3501 pursuant to this section, together with other issues that ~~which~~  
 3502 constitute grounds for the appeal. The appeal may proceed with  
 3503 respect to issues within the scope of permitting programs for  
 3504 which a permit or conceptual review approval has been obtained  
 3505 before ~~prior to~~ the issuance of a development order only after  
 3506 the commission determines by majority vote at a regularly  
 3507 scheduled commission meeting that statewide or regional  
 3508 interests may be adversely affected by the development. In  
 3509 making this determination, there is ~~shall be~~ a rebuttable  
 3510 presumption that statewide and regional interests relating to  
 3511 issues within the scope of the permitting programs for which a  
 3512 permit or conceptual approval has been obtained are not  
 3513 adversely affected.

3514 Section 5. Section 380.115, Florida Statutes, is amended  
 3515 to read:

3516 380.115 Vested rights and duties; effect of size  
 3517 reduction, changes in statewide guidelines and standards.—

3518 ~~(1) A change in a development of regional impact guideline~~  
 3519 ~~and standard does not abridge or modify any vested or other~~  
 3520 ~~right or any duty or obligation pursuant to any development~~  
 3521 ~~order or agreement that is applicable to a development of~~  
 3522 ~~regional impact.~~ A development that has received a development-  
 3523 of-regional-impact development order pursuant to s. 380.06 but  
 3524 is no longer required to undergo development-of-regional-impact  
 3525 review by operation of law may elect ~~a change in the guidelines~~

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3526 ~~and standards, a development that has reduced its size below the~~  
3527 ~~thresholds as specified in s. 380.0651, a development that is~~  
3528 ~~exempt pursuant to s. 380.06(24) or (29), or a development that~~  
3529 ~~elects to rescind the development order pursuant to~~ are governed  
3530 by the following procedures:

3531 (1) ~~(a)~~ The development shall continue to be governed by  
3532 the ~~development-of-regional-impact~~ development order and may be  
3533 completed in reliance upon and pursuant to the development order  
3534 unless the developer or landowner has followed the procedures  
3535 for rescission in subsection (2) ~~paragraph (b)~~. Any proposed  
3536 changes to developments which continue to be governed by a  
3537 development-of-regional-impact development order must be  
3538 approved pursuant to s. 380.06(7) ~~s. 380.06(19)~~ ~~as it existed~~  
3539 ~~before a change in the development-of-regional-impact guidelines~~  
3540 ~~and standards, except that all percentage criteria are doubled~~  
3541 ~~and all other criteria are increased by 10 percent.~~ The local  
3542 government issuing the development order must monitor the  
3543 development and enforce the development order. Local governments  
3544 may not issue any permits or approvals or provide any extensions  
3545 of services if the developer fails to act in substantial  
3546 compliance with the development order. The ~~development-of-~~  
3547 ~~regional-impact~~ development order may be enforced ~~by the local~~  
3548 ~~government~~ as provided in s. 380.11 ~~ss. 380.06(17) and 380.11.~~

3549 (2) ~~(b)~~ If requested by the developer or landowner, the  
3550 ~~development-of-regional-impact~~ development order shall be

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3551 rescinded by the local government having jurisdiction upon a  
3552 showing that all required mitigation related to the amount of  
3553 development that existed on the date of rescission has been  
3554 completed or will be completed under an existing permit or  
3555 equivalent authorization issued by a governmental agency as  
3556 defined in s. 380.031(6), if such permit or authorization is  
3557 subject to enforcement through administrative or judicial  
3558 remedies.

3559 ~~(2) A development with an application for development~~  
3560 ~~approval pending, pursuant to s. 380.06, on the effective date~~  
3561 ~~of a change to the guidelines and standards, or a notification~~  
3562 ~~of proposed change pending on the effective date of a change to~~  
3563 ~~the guidelines and standards, may elect to continue such review~~  
3564 ~~pursuant to s. 380.06. At the conclusion of the pending review,~~  
3565 ~~including any appeals pursuant to s. 380.07, the resulting~~  
3566 ~~development order shall be governed by the provisions of~~  
3567 ~~subsection (1).~~

3568 ~~(3) A landowner that has filed an application for a~~  
3569 ~~development-of-regional-impact review prior to the adoption of a~~  
3570 ~~sector plan pursuant to s. 163.3245 may elect to have the~~  
3571 ~~application reviewed pursuant to s. 380.06, comprehensive plan~~  
3572 ~~provisions in force prior to adoption of the sector plan, and~~  
3573 ~~any requested comprehensive plan amendments that accompany the~~  
3574 ~~application.~~

3575 Section 6. Paragraph (c) of subsection (1) of section

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3576 | 125.68, Florida Statutes, is amended to read:

3577 |       125.68 Codification of ordinances; exceptions; public  
3578 | record.—

3579 |       (1)

3580 |       (c) The following ordinances are exempt from codification  
3581 | and annual publication requirements:

3582 |       1. Any development agreement, or amendment to such  
3583 | agreement, adopted by ordinance pursuant to ss. 163.3220-  
3584 | 163.3243.

3585 |       2. Any development order, or amendment to such order,  
3586 | adopted by ordinance pursuant to s. 380.06(4) ~~s. 380.06(15)~~.

3587 |       Section 7. Paragraph (e) of subsection (3), subsection  
3588 | (6), and subsection (12) of section 163.3245, Florida Statutes,  
3589 | are amended to read:

3590 |       163.3245 Sector plans.—

3591 |       (3) Sector planning encompasses two levels: adoption  
3592 | pursuant to s. 163.3184 of a long-term master plan for the  
3593 | entire planning area as part of the comprehensive plan, and  
3594 | adoption by local development order of two or more detailed  
3595 | specific area plans that implement the long-term master plan and  
3596 | within which s. 380.06 is waived.

3597 |       (e) Whenever a local government issues a development order  
3598 | approving a detailed specific area plan, a copy of such order  
3599 | shall be rendered to the state land planning agency and the  
3600 | owner or developer of the property affected by such order, as



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3601 prescribed by rules of the state land planning agency for a  
3602 development order for a development of regional impact. Within  
3603 45 days after the order is rendered, the owner, the developer,  
3604 or the state land planning agency may appeal the order to the  
3605 Florida Land and Water Adjudicatory Commission by filing a  
3606 petition alleging that the detailed specific area plan is not  
3607 consistent with the comprehensive plan or with the long-term  
3608 master plan adopted pursuant to this section. The appellant  
3609 shall furnish a copy of the petition to the opposing party, as  
3610 the case may be, and to the local government that issued the  
3611 order. The filing of the petition stays the effectiveness of the  
3612 order until after completion of the appeal process. However, if  
3613 a development order approving a detailed specific area plan has  
3614 been challenged by an aggrieved or adversely affected party in a  
3615 judicial proceeding pursuant to s. 163.3215, and a party to such  
3616 proceeding serves notice to the state land planning agency, the  
3617 state land planning agency shall dismiss its appeal to the  
3618 commission and shall have the right to intervene in the pending  
3619 judicial proceeding pursuant to s. 163.3215. Proceedings for  
3620 administrative review of an order approving a detailed specific  
3621 area plan shall be conducted consistent with s. 380.07(5) ~~s.~~  
3622 ~~380.07(6)~~. The commission shall issue a decision granting or  
3623 denying permission to develop pursuant to the long-term master  
3624 plan and the standards of this part and may attach conditions or  
3625 restrictions to its decisions.

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3626           (6) An applicant who applied ~~Concurrent with or subsequent~~  
3627 ~~to review and adoption of a long-term master plan pursuant to~~  
3628 ~~paragraph (3) (a), an applicant may apply~~ for master development  
3629 approval pursuant to s. 380.06 ~~s. 380.06(21)~~ for the entire  
3630 planning area shall remain subject to the master development  
3631 order ~~in order to establish a buildout date until which the~~  
3632 ~~approved uses and densities and intensities of use of the master~~  
3633 ~~plan are not subject to downzoning, unit density reduction, or~~  
3634 ~~intensity reduction,~~ unless the developer elects to rescind the  
3635 development order pursuant to s. 380.115, the development order  
3636 is abandoned pursuant to s. 380.06(11), or the local government  
3637 can demonstrate that implementation of the master plan is not  
3638 continuing in good faith based on standards established by plan  
3639 policy, that substantial changes in the conditions underlying  
3640 the approval of the master plan have occurred, that the master  
3641 plan was based on substantially inaccurate information provided  
3642 by the applicant, or that change is clearly established to be  
3643 essential to the public health, safety, or welfare. ~~Review of~~  
3644 ~~the application for master development approval shall be at a~~  
3645 ~~level of detail appropriate for the long-term and conceptual~~  
3646 ~~nature of the long-term master plan and, to the maximum extent~~  
3647 ~~possible, may only consider information provided in the~~  
3648 ~~application for a long-term master plan.~~ Notwithstanding s.  
3649 380.06, an increment of development in such an approved master  
3650 development plan must be approved by a detailed specific area

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3651 | plan pursuant to paragraph (3) (b) and is exempt from review  
 3652 | pursuant to s. 380.06.

3653 |       (12) Notwithstanding s. 380.06, this part, or any planning  
 3654 | agreement or plan policy, a landowner or developer who has  
 3655 | received approval of a master development-of-regional-impact  
 3656 | development order pursuant to s. 380.06(9) ~~s. 380.06(21)~~ may  
 3657 | apply to implement this order by filing one or more applications  
 3658 | to approve a detailed specific area plan pursuant to paragraph  
 3659 | (3) (b) .

3660 |       Section 8. Subsections (11), (12), and (14) of section  
 3661 | 163.3246, Florida Statutes, are amended to read:

3662 |       163.3246 Local government comprehensive planning  
 3663 | certification program.—

3664 |       (11) If the local government of an area described in  
 3665 | subsection (10) does not request that the state land planning  
 3666 | agency review the developments of regional impact that are  
 3667 | proposed within the certified area, an application for approval  
 3668 | of a development order within the certified area is ~~shall be~~  
 3669 | exempt from ~~review under~~ s. 380.06.

3670 |       (12) A local government's certification shall be reviewed  
 3671 | by the local government and the state land planning agency as  
 3672 | part of the evaluation and appraisal process pursuant to s.  
 3673 | 163.3191. Within 1 year after the deadline for the local  
 3674 | government to update its comprehensive plan based on the  
 3675 | evaluation and appraisal, the state land planning agency must

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3676 | ~~shall~~ renew or revoke the certification. The local government's  
3677 | failure to timely adopt necessary amendments to update its  
3678 | comprehensive plan based on an evaluation and appraisal, which  
3679 | are found to be in compliance by the state land planning agency,  
3680 | is ~~shall be~~ cause for revoking the certification agreement. The  
3681 | state land planning agency's decision to renew or revoke is  
3682 | ~~shall be considered~~ agency action subject to challenge under s.  
3683 | 120.569.

3684 |       (14) It is the intent of the Legislature to encourage the  
3685 | creation of connected-city corridors that facilitate the growth  
3686 | of high-technology industry and innovation through partnerships  
3687 | that support research, marketing, workforce, and  
3688 | entrepreneurship. It is the further intent of the Legislature to  
3689 | provide for a locally controlled, comprehensive plan amendment  
3690 | process for such projects that are designed to achieve a  
3691 | cleaner, healthier environment; limit urban sprawl by promoting  
3692 | diverse but interconnected communities; provide a range of  
3693 | intergenerational housing types; protect wildlife and natural  
3694 | areas; assure the efficient use of land and other resources;  
3695 | create quality communities of a design that promotes alternative  
3696 | transportation networks and travel by multiple transportation  
3697 | modes; and enhance the prospects for the creation of jobs. The  
3698 | Legislature finds and declares that this state's connected-city  
3699 | corridors require a reduced level of state and regional  
3700 | oversight because of their high degree of urbanization and the

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3701 | planning capabilities and resources of the local government.  
 3702 |         (a) Notwithstanding subsections (2), (4), (5), (6), and  
 3703 | (7), Pasco County is named a pilot community and shall be  
 3704 | considered certified for a period of 10 years for connected-city  
 3705 | corridor plan amendments. The state land planning agency shall  
 3706 | provide a written notice of certification to Pasco County by  
 3707 | July 15, 2015, which shall be considered a final agency action  
 3708 | subject to challenge under s. 120.569. The notice of  
 3709 | certification must include:  
 3710 |         1. The boundary of the connected-city corridor  
 3711 | certification area; and  
 3712 |         2. A requirement that Pasco County submit an annual or  
 3713 | biennial monitoring report to the state land planning agency  
 3714 | according to the schedule provided in the written notice. The  
 3715 | monitoring report must, at a minimum, include the number of  
 3716 | amendments to the comprehensive plan adopted by Pasco County,  
 3717 | the number of plan amendments challenged by an affected person,  
 3718 | and the disposition of such challenges.  
 3719 |         (b) A plan amendment adopted under this subsection may be  
 3720 | based upon a planning period longer than the generally  
 3721 | applicable planning period of the Pasco County local  
 3722 | comprehensive plan, must specify the projected population within  
 3723 | the planning area during the chosen planning period, may include  
 3724 | a phasing or staging schedule that allocates a portion of Pasco  
 3725 | County's future growth to the planning area through the planning

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3726 | period, and may designate a priority zone or subarea within the  
3727 | connected-city corridor for initial implementation of the plan.  
3728 | A plan amendment adopted under this subsection is not required  
3729 | to demonstrate need based upon projected population growth or on  
3730 | any other basis.

3731 |         (c) If Pasco County adopts a long-term transportation  
3732 | network plan and financial feasibility plan, and subject to  
3733 | compliance with the requirements of such a plan, the projects  
3734 | within the connected-city corridor are deemed to have satisfied  
3735 | all concurrency and other state agency or local government  
3736 | transportation mitigation requirements except for site-specific  
3737 | access management requirements.

3738 |         (d) If Pasco County does not request that the state land  
3739 | planning agency review the developments of regional impact that  
3740 | are proposed within the certified area, an application for  
3741 | approval of a development order within the certified area is  
3742 | exempt from ~~review under~~ s. 380.06.

3743 |         (e) The Office of Program Policy Analysis and Government  
3744 | Accountability (OPPAGA) shall submit to the Governor, the  
3745 | President of the Senate, and the Speaker of the House of  
3746 | Representatives by December 1, 2024, a report and  
3747 | recommendations for implementing a statewide program that  
3748 | addresses the legislative findings in this subsection. In  
3749 | consultation with the state land planning agency, OPPAGA shall  
3750 | develop the report and recommendations with input from other

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3751 state and regional agencies, local governments, and interest  
 3752 groups. OPPAGA shall also solicit citizen input in the  
 3753 potentially affected areas and consult with the affected local  
 3754 government and stakeholder groups. Additionally, OPPAGA shall  
 3755 review local and state actions and correspondence relating to  
 3756 the pilot program to identify issues of process and substance in  
 3757 recommending changes to the pilot program. At a minimum, the  
 3758 report and recommendations must include:

- 3759 1. Identification of local governments other than the  
 3760 local government participating in the pilot program which should  
 3761 be certified. The report may also recommend that a local  
 3762 government is no longer appropriate for certification; and
- 3763 2. Changes to the certification pilot program.

3764 Section 9. Subsection (4) of section 189.08, Florida  
 3765 Statutes, is amended to read:

3766 189.08 Special district public facilities report.—

3767 (4) Those special districts building, improving, or  
 3768 expanding public facilities addressed by a development order  
 3769 issued to the developer pursuant to s. 380.06 may use the most  
 3770 recent local government ~~annual~~ report required by s. 380.06(6)  
 3771 ~~s. 380.06(15) and (18)~~ and submitted by the developer, to the  
 3772 extent the annual report provides the information required by  
 3773 subsection (2).

3774 Section 10. Subsection (2) of section 190.005, Florida  
 3775 Statutes, is amended to read:

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3776 | 190.005 Establishment of district.—  
 3777 | (2) The exclusive and uniform method for the establishment  
 3778 | of a community development district of less than 2,500 acres in  
 3779 | size or a community development district of up to 7,000 acres in  
 3780 | size located within a connected-city corridor established  
 3781 | pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~ shall be pursuant to  
 3782 | an ordinance adopted by the county commission of the county  
 3783 | having jurisdiction over the majority of land in the area in  
 3784 | which the district is to be located granting a petition for the  
 3785 | establishment of a community development district as follows:  
 3786 | (a) A petition for the establishment of a community  
 3787 | development district shall be filed by the petitioner with the  
 3788 | county commission. The petition shall contain the same  
 3789 | information as required in paragraph (1) (a).  
 3790 | (b) A public hearing on the petition shall be conducted by  
 3791 | the county commission in accordance with the requirements and  
 3792 | procedures of paragraph (1) (d).  
 3793 | (c) The county commission shall consider the record of the  
 3794 | public hearing and the factors set forth in paragraph (1) (e) in  
 3795 | making its determination to grant or deny a petition for the  
 3796 | establishment of a community development district.  
 3797 | (d) The county commission may ~~shall~~ not adopt any  
 3798 | ordinance which would expand, modify, or delete any provision of  
 3799 | the uniform community development district charter as set forth  
 3800 | in ss. 190.006-190.041. An ordinance establishing a community



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3801 development district shall only include the matters provided for  
 3802 in paragraph (1)(f) unless the commission consents to any of the  
 3803 optional powers under s. 190.012(2) at the request of the  
 3804 petitioner.

3805 (e) If all of the land in the area for the proposed  
 3806 district is within the territorial jurisdiction of a municipal  
 3807 corporation, then the petition requesting establishment of a  
 3808 community development district under this act shall be filed by  
 3809 the petitioner with that particular municipal corporation. In  
 3810 such event, the duties of the county, hereinabove described, in  
 3811 action upon the petition shall be the duties of the municipal  
 3812 corporation. If any of the land area of a proposed district is  
 3813 within the land area of a municipality, the county commission  
 3814 may not create the district without municipal approval. If all  
 3815 of the land in the area for the proposed district, even if less  
 3816 than 2,500 acres, is within the territorial jurisdiction of two  
 3817 or more municipalities or two or more counties, except for  
 3818 proposed districts within a connected-city corridor established  
 3819 pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~, the petition shall  
 3820 be filed with the Florida Land and Water Adjudicatory Commission  
 3821 and proceed in accordance with subsection (1).

3822 (f) Notwithstanding any other provision of this  
 3823 subsection, within 90 days after a petition for the  
 3824 establishment of a community development district has been filed  
 3825 pursuant to this subsection, the governing body of the county or

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3826 municipal corporation may transfer the petition to the Florida  
 3827 Land and Water Adjudicatory Commission, which shall make the  
 3828 determination to grant or deny the petition as provided in  
 3829 subsection (1). A county or municipal corporation shall have no  
 3830 right or power to grant or deny a petition that has been  
 3831 transferred to the Florida Land and Water Adjudicatory  
 3832 Commission.

3833 Section 11. Paragraph (g) of subsection (1) of section  
 3834 190.012, Florida Statutes, is amended to read:

3835 190.012 Special powers; public improvements and community  
 3836 facilities.—The district shall have, and the board may exercise,  
 3837 subject to the regulatory jurisdiction and permitting authority  
 3838 of all applicable governmental bodies, agencies, and special  
 3839 districts having authority with respect to any area included  
 3840 therein, any or all of the following special powers relating to  
 3841 public improvements and community facilities authorized by this  
 3842 act:

3843 (1) To finance, fund, plan, establish, acquire, construct  
 3844 or reconstruct, enlarge or extend, equip, operate, and maintain  
 3845 systems, facilities, and basic infrastructures for the  
 3846 following:

3847 (g) Any other project within or without the boundaries of  
 3848 a district when a local government issued a development order  
 3849 pursuant to s. 380.06 ~~or s. 380.061~~ approving or expressly  
 3850 requiring the construction or funding of the project by the

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3851 district, or when the project is the subject of an agreement  
 3852 between the district and a governmental entity and is consistent  
 3853 with the local government comprehensive plan of the local  
 3854 government within which the project is to be located.

3855 Section 12. Paragraph (a) of subsection (1) of section  
 3856 252.363, Florida Statutes, is amended to read:

3857 252.363 Tolling and extension of permits and other  
 3858 authorizations.—

3859 (1) (a) The declaration of a state of emergency by the  
 3860 Governor tolls the period remaining to exercise the rights under  
 3861 a permit or other authorization for the duration of the  
 3862 emergency declaration. Further, the emergency declaration  
 3863 extends the period remaining to exercise the rights under a  
 3864 permit or other authorization for 6 months in addition to the  
 3865 tolled period. This paragraph applies to the following:

3866 1. The expiration of a development order issued by a local  
 3867 government.

3868 2. The expiration of a building permit.

3869 3. The expiration of a permit issued by the Department of  
 3870 Environmental Protection or a water management district pursuant  
 3871 to part IV of chapter 373.

3872 4. The buildout date of a development of regional impact,  
 3873 including any extension of a buildout date that was previously  
 3874 granted as specified in s. 380.06(7) (c) ~~pursuant to s.~~  
 3875 ~~380.06(19) (c).~~

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3876 Section 13. Subsection (4) of section 369.303, Florida  
 3877 Statutes, is amended to read:  
 3878 369.303 Definitions.—As used in this part:  
 3879 (4) "Development of regional impact" means a development  
 3880 that ~~which~~ is subject to ~~the review procedures established by s.~~  
 3881 ~~380.06 or s. 380.065, and s. 380.07.~~

3882 Section 14. Subsection (1) of section 369.307, Florida  
 3883 Statutes, is amended to read:

3884 369.307 Developments of regional impact in the Wekiva  
 3885 River Protection Area; land acquisition.—

3886 (1) Notwithstanding s. 380.06(4) ~~the provisions of s.~~  
 3887 ~~380.06(15)~~, the counties shall consider and issue the  
 3888 development permits applicable to a proposed development of  
 3889 regional impact which is located partially or wholly within the  
 3890 Wekiva River Protection Area at the same time as the development  
 3891 order approving, approving with conditions, or denying a  
 3892 development of regional impact.

3893 Section 15. Subsection (8) of section 373.236, Florida  
 3894 Statutes, is amended to read:

3895 373.236 Duration of permits; compliance reports.—

3896 (8) A water management district may issue a permit to an  
 3897 applicant, as set forth in s. 163.3245(13), for the same period  
 3898 of time as the applicant's approved master development order if  
 3899 the master development order was issued under s. 380.06(9) ~~s.~~  
 3900 ~~380.06(21)~~ by a county which, at the time the order was issued,

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3901 | was designated as a rural area of opportunity under s. 288.0656,  
 3902 | was not located in an area encompassed by a regional water  
 3903 | supply plan as set forth in s. 373.709(1), and was not located  
 3904 | within the basin management action plan of a first magnitude  
 3905 | spring. In reviewing the permit application and determining the  
 3906 | permit duration, the water management district shall apply s.  
 3907 | 163.3245(4) (b) .

3908 |         Section 16. Subsection (13) of section 373.414, Florida  
 3909 | Statutes, is amended to read:

3910 |         373.414 Additional criteria for activities in surface  
 3911 | waters and wetlands.—

3912 |         (13) Any declaratory statement issued by the department  
 3913 | under s. 403.914, 1984 Supplement to the Florida Statutes 1983,  
 3914 | as amended, or pursuant to rules adopted thereunder, or by a  
 3915 | water management district under s. 373.421, in response to a  
 3916 | petition filed on or before June 1, 1994, shall continue to be  
 3917 | valid for the duration of such declaratory statement. Any such  
 3918 | petition pending on June 1, 1994, shall be exempt from the  
 3919 | methodology ratified in s. 373.4211, but the rules of the  
 3920 | department or the relevant water management district, as  
 3921 | applicable, in effect prior to the effective date of s.  
 3922 | 373.4211, shall apply. Until May 1, 1998, activities within the  
 3923 | boundaries of an area subject to a petition pending on June 1,  
 3924 | 1994, and prior to final agency action on such petition, shall  
 3925 | be reviewed under the rules adopted pursuant to ss. 403.91-

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3926 | 403.929, 1984 Supplement to the Florida Statutes 1983, as  
 3927 | amended, and this part, in existence prior to the effective date  
 3928 | of the rules adopted under subsection (9), unless the applicant  
 3929 | elects to have such activities reviewed under the rules adopted  
 3930 | under this part, as amended in accordance with subsection (9).  
 3931 | In the event that a jurisdictional declaratory statement  
 3932 | pursuant to the vegetative index in effect prior to the  
 3933 | effective date of chapter 84-79, Laws of Florida, has been  
 3934 | obtained and is valid prior to the effective date of the rules  
 3935 | adopted under subsection (9) or July 1, 1994, whichever is  
 3936 | later, and the affected lands are part of a project for which a  
 3937 | master development order has been issued pursuant to s.  
 3938 | 380.06(9) ~~s. 380.06(21)~~, the declaratory statement shall remain  
 3939 | valid for the duration of the buildout period of the project.  
 3940 | Any jurisdictional determination validated by the department  
 3941 | pursuant to rule 17-301.400(8), Florida Administrative Code, as  
 3942 | it existed in rule 17-4.022, Florida Administrative Code, on  
 3943 | April 1, 1985, shall remain in effect for a period of 5 years  
 3944 | following the effective date of this act if proof of such  
 3945 | validation is submitted to the department prior to January 1,  
 3946 | 1995. In the event that a jurisdictional determination has been  
 3947 | revalidated by the department pursuant to this subsection and  
 3948 | the affected lands are part of a project for which a development  
 3949 | order has been issued pursuant to s. 380.06(4) ~~s. 380.06(15)~~, a  
 3950 | final development order to which s. 163.3167(5) applies has been

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3951 issued, or a vested rights determination has been issued  
 3952 pursuant to s. 380.06(8) ~~s. 380.06(20)~~, the jurisdictional  
 3953 determination shall remain valid until the completion of the  
 3954 project, provided proof of such validation and documentation  
 3955 establishing that the project meets the requirements of this  
 3956 sentence are submitted to the department prior to January 1,  
 3957 1995. Activities proposed within the boundaries of a valid  
 3958 declaratory statement issued pursuant to a petition submitted to  
 3959 either the department or the relevant water management district  
 3960 on or before June 1, 1994, or a revalidated jurisdictional  
 3961 determination, prior to its expiration shall continue thereafter  
 3962 to be exempt from the methodology ratified in s. 373.4211 and to  
 3963 be reviewed under the rules adopted pursuant to ss. 403.91-  
 3964 403.929, 1984 Supplement to the Florida Statutes 1983, as  
 3965 amended, and this part, in existence prior to the effective date  
 3966 of the rules adopted under subsection (9), unless the applicant  
 3967 elects to have such activities reviewed under the rules adopted  
 3968 under this part, as amended in accordance with subsection (9).

3969 Section 17. Subsection (5) of section 378.601, Florida  
 3970 Statutes, is amended to read:

3971 378.601 Heavy minerals.—

3972 (5) Any heavy mineral mining operation which annually  
 3973 mines less than 500 acres and whose proposed consumption of  
 3974 water is 3 million gallons per day or less may ~~shall~~ not be  
 3975 subject ~~required to undergo development of regional impact~~

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3976 ~~review pursuant~~ to s. 380.06, provided permits and plan  
 3977 approvals pursuant to either this section and part IV of chapter  
 3978 373, or s. 378.901, are issued.

3979 Section 18. Section 380.065, Florida Statutes, is  
 3980 repealed.

3981 Section 19. Paragraph (a) of subsection (2) of section  
 3982 380.11, Florida Statutes, is amended to read:

3983 380.11 Enforcement; procedures; remedies.—

3984 (2) ADMINISTRATIVE REMEDIES.—

3985 (a) If the state land planning agency has reason to  
 3986 believe a violation of this part or any rule, development order,  
 3987 or other order issued hereunder or of any agreement entered into  
 3988 under s. 380.032(3) ~~or s. 380.06(8)~~ has occurred or is about to  
 3989 occur, it may institute an administrative proceeding pursuant to  
 3990 this section to prevent, abate, or control the conditions or  
 3991 activity creating the violation.

3992 Section 20. Paragraph (b) of subsection (2) of section  
 3993 403.524, Florida Statutes, is amended to read:

3994 403.524 Applicability; certification; exemptions.—

3995 (2) Except as provided in subsection (1), construction of  
 3996 a transmission line may not be undertaken without first  
 3997 obtaining certification under this act, but this act does not  
 3998 apply to:

3999 (b) Transmission lines that have been exempted by a  
 4000 binding letter of interpretation issued under s. 380.06(3) ~~s.~~



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4001 ~~380.06(4)~~, or in which the Department of Economic Opportunity or  
 4002 its predecessor agency has determined the utility to have vested  
 4003 development rights within the meaning of s. 380.05(18) or s.  
 4004 380.06(8) ~~s. 380.06(20)~~.

4005 Section 21. Subsections (31) through (51) of section  
 4006 163.3164, Florida Statutes, are renumbered as subsections (32)  
 4007 through (52), respectively, and a new subsection (31) is added  
 4008 to that section, to read:

4009 (31) "Master development plan" or "master plan," for the  
 4010 purposes of this act and 26 U.S.C. s. 118, means a planning  
 4011 document that integrates plans, orders, agreements, designs, and  
 4012 studies to guide development as defined in this section and may  
 4013 include, as appropriate, authorized land uses, authorized  
 4014 amounts of horizontal and vertical development, and public  
 4015 facilities, including local and regional water storage for water  
 4016 quality and water supply. The term includes, but is not limited  
 4017 to, a plan for a development under this chapter or chapter 380,  
 4018 a basin management action plan pursuant to s. 403.067(7), a  
 4019 regional water supply plan pursuant to s. 373.709, a watershed  
 4020 protection plan pursuant to s. 373.4595, and a spring protection  
 4021 plan developed pursuant to s. 373.807.

4022 Section 22. Paragraph (d) of subsection (2) of section  
 4023 212.055, Florida Statutes, is amended to read:

4024 212.055 Discretionary sales surtaxes; legislative intent;  
 4025 authorization and use of proceeds.—It is the legislative intent

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4026 that any authorization for imposition of a discretionary sales  
 4027 surtax shall be published in the Florida Statutes as a  
 4028 subsection of this section, irrespective of the duration of the  
 4029 levy. Each enactment shall specify the types of counties  
 4030 authorized to levy; the rate or rates which may be imposed; the  
 4031 maximum length of time the surtax may be imposed, if any; the  
 4032 procedure which must be followed to secure voter approval, if  
 4033 required; the purpose for which the proceeds may be expended;  
 4034 and such other requirements as the Legislature may provide.  
 4035 Taxable transactions and administrative procedures shall be as  
 4036 provided in s. 212.054.

4037 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

4038 (d) The proceeds of the surtax authorized by this  
 4039 subsection and any accrued interest shall be expended by the  
 4040 school district, within the county and municipalities within the  
 4041 county, or, in the case of a negotiated joint county agreement,  
 4042 within another county, to finance, plan, and construct  
 4043 infrastructure; to acquire any interest in land for public  
 4044 recreation, conservation, or protection of natural resources or  
 4045 to prevent or satisfy private property rights claims resulting  
 4046 from limitations imposed by the designation of an area of  
 4047 critical state concern; to provide loans, grants, or rebates to  
 4048 residential or commercial property owners who make energy  
 4049 efficiency improvements to their residential or commercial  
 4050 property, if a local government ordinance authorizing such use

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4051 is approved by referendum; or to finance the closure of county-  
4052 owned or municipally owned solid waste landfills that have been  
4053 closed or are required to be closed by order of the Department  
4054 of Environmental Protection. Any use of the proceeds or interest  
4055 for purposes of landfill closure before July 1, 1993, is  
4056 ratified. The proceeds and any interest may not be used for the  
4057 operational expenses of infrastructure, except that a county  
4058 that has a population of fewer than 75,000 and that is required  
4059 to close a landfill may use the proceeds or interest for long-  
4060 term maintenance costs associated with landfill closure.  
4061 Counties, as defined in s. 125.011, and charter counties may, in  
4062 addition, use the proceeds or interest to retire or service  
4063 indebtedness incurred for bonds issued before July 1, 1987, for  
4064 infrastructure purposes, and for bonds subsequently issued to  
4065 refund such bonds. Any use of the proceeds or interest for  
4066 purposes of retiring or servicing indebtedness incurred for  
4067 refunding bonds before July 1, 1999, is ratified.

4068 1. For the purposes of this paragraph, the term  
4069 "infrastructure" means:

4070 a. Any fixed capital expenditure or fixed capital outlay  
4071 associated with the construction, reconstruction, or improvement  
4072 of public facilities that have a life expectancy of 5 or more  
4073 years, any related land acquisition, land improvement, design,  
4074 and engineering costs, and all other professional and related  
4075 costs required to bring the public facilities into service. For

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4076 | purposes of this sub-subparagraph, the term "public facilities"  
4077 | means facilities as defined in s. 163.3164(39) ~~s. 163.3164(38)~~,  
4078 | s. 163.3221(13), or s. 189.012(5), regardless of whether the  
4079 | facilities are owned by the local taxing authority or another  
4080 | governmental entity.

4081 |         b. A fire department vehicle, an emergency medical service  
4082 | vehicle, a sheriff's office vehicle, a police department  
4083 | vehicle, or any other vehicle, and the equipment necessary to  
4084 | outfit the vehicle for its official use or equipment that has a  
4085 | life expectancy of at least 5 years.

4086 |         c. Any expenditure for the construction, lease, or  
4087 | maintenance of, or provision of utilities or security for,  
4088 | facilities, as defined in s. 29.008.

4089 |         d. Any fixed capital expenditure or fixed capital outlay  
4090 | associated with the improvement of private facilities that have  
4091 | a life expectancy of 5 or more years and that the owner agrees  
4092 | to make available for use on a temporary basis as needed by a  
4093 | local government as a public emergency shelter or a staging area  
4094 | for emergency response equipment during an emergency officially  
4095 | declared by the state or by the local government under s.  
4096 | 252.38. Such improvements are limited to those necessary to  
4097 | comply with current standards for public emergency evacuation  
4098 | shelters. The owner must enter into a written contract with the  
4099 | local government providing the improvement funding to make the  
4100 | private facility available to the public for purposes of

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4101 emergency shelter at no cost to the local government for a  
4102 minimum of 10 years after completion of the improvement, with  
4103 the provision that the obligation will transfer to any  
4104 subsequent owner until the end of the minimum period.

4105 e. Any land acquisition expenditure for a residential  
4106 housing project in which at least 30 percent of the units are  
4107 affordable to individuals or families whose total annual  
4108 household income does not exceed 120 percent of the area median  
4109 income adjusted for household size, if the land is owned by a  
4110 local government or by a special district that enters into a  
4111 written agreement with the local government to provide such  
4112 housing. The local government or special district may enter into  
4113 a ground lease with a public or private person or entity for  
4114 nominal or other consideration for the construction of the  
4115 residential housing project on land acquired pursuant to this  
4116 sub-subparagraph.

4117 2. For the purposes of this paragraph, the term "energy  
4118 efficiency improvement" means any energy conservation and  
4119 efficiency improvement that reduces consumption through  
4120 conservation or a more efficient use of electricity, natural  
4121 gas, propane, or other forms of energy on the property,  
4122 including, but not limited to, air sealing; installation of  
4123 insulation; installation of energy-efficient heating, cooling,  
4124 or ventilation systems; installation of solar panels; building  
4125 modifications to increase the use of daylight or shade;

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4126 replacement of windows; installation of energy controls or  
 4127 energy recovery systems; installation of electric vehicle  
 4128 charging equipment; installation of systems for natural gas fuel  
 4129 as defined in s. 206.9951; and installation of efficient  
 4130 lighting equipment.

4131 3. Notwithstanding any other provision of this subsection,  
 4132 a local government infrastructure surtax imposed or extended  
 4133 after July 1, 1998, may allocate up to 15 percent of the surtax  
 4134 proceeds for deposit into a trust fund within the county's  
 4135 accounts created for the purpose of funding economic development  
 4136 projects having a general public purpose of improving local  
 4137 economies, including the funding of operational costs and  
 4138 incentives related to economic development. The ballot statement  
 4139 must indicate the intention to make an allocation under the  
 4140 authority of this subparagraph.

4141 Section 23. (1) The rules adopted by the state land  
 4142 planning agency to ensure uniform review of developments of  
 4143 regional impact by the state land planning agency and regional  
 4144 planning agencies and codified in chapter 73C-40, Florida  
 4145 Administrative Code, are repealed.

4146 (2) The rules adopted by the Administration Commission, as  
 4147 defined in s. 380.031, Florida Statutes, regarding whether two  
 4148 or more developments, represented by their owners or developers  
 4149 to be separate developments, shall be aggregated and treated as  
 4150 a single development under chapter 380, Florida Statutes, are

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4151 | repealed.

4152 |       Section 24. The Division of Law Revision and Information  
4153 | is directed to replace the phrase "the effective date of this  
4154 | act" where it occurs in this act with the date this act takes  
4155 | effect.

4156 |       Section 25. This act shall take effect upon becoming a  
4157 | law.