CHAMBER ACTION

Senate	House
.	

1 Representative La Rosa offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 104-132 and insert:

5 Section 1. Section 125.001, Florida Statutes, is amended

6 to read:

7 125.001 Board meetings; notice.—

8 (1) Upon the giving of due public notice, regular and

9 special meetings of the board may be held at any appropriate

10 public place in the county.

11 (2) The board may hold joint meetings with the governing

12 body or bodies of one or more adjacent counties or

13 municipalities to discuss matters regarding land development,

14 economic development, or any other matters of mutual interest at

15 any appropriate public place within the jurisdiction of any
16 participating county or municipality only if the board provides
17 due public notice within the jurisdiction of all participating
18 municipalities and counties.
19 (a) To participate in a joint public meeting, the
20 governing body of a county or municipality must first adopt a
21 resolution authorizing such participation.
22 (b) No official vote may be taken at a joint meeting.
23 (c) A joint meeting may not take the place of any public
24 hearing required by law.
25 Section 2. Subsection (6) is added to section 125.045,
26 Florida Statutes, to read:
27 125.045 County economic development powers.—
28 (6)(a) The governing body of a county may designate tax
29 increment areas, not to exceed 300 acres, to employ tax
30 increment financing for the purposes of this section. If the
31 proposed tax increment area or portion thereof is located within
32 a municipality, the county must obtain an interlocal agreement
33 with the municipality before the county may designate the tax
34 increment area. The governing body of the county shall
35 administer a separate reserve account to deposit tax increment
36 revenues for each tax increment area created pursuant to this
37 subsection.
38 (b) Tax increment revenues, including the proceeds of any
39 revenue bonds secured by, and repaid with, such tax increment
40 revenues, shall be used to fund economic development activities,

41 as referenced in this section, and infrastructure projects that
42 directly benefit the tax increment area, limited to:
43 1. Wetland mitigation credits;
44 2. Public roadways, including fill, grading, road surface,
45 curbs, gutters, and roadway drainage;
46 3. Reworked public roadways, including fill, grading, road
47 surface, curbs, gutters, and roadway drainage;
48 4. Site lighting on public property, including roadway
49 lighting, and safety lighting;
50 5. Pedestrian walkways that connect development within the
51 tax increment area to public areas;
52 6. Mass transit facilities;
53 7. Off-site highway interchanges, on and off ramps, lane
54 additions, widening, reconfigurations and related improvements
55 such as lighting, striping, traffic management equipment and
56 systems;
57 8. Off-site roadway and bridge improvements, including
58 intersections, lane additions, widening, reconfigurations and
59 related improvements such as lighting, striping, traffic
60 management equipment and systems;
61 9. Off-site preparation costs, including grading,
62 excavation, and related costs;
63 10. Underground utility connection preparation costs,
64 including sanitary sewer, water, power, gas, and communications;
65 11. Off-site sanitary system and water system improvements
66 for infrastructure capacity, piping, and connections; and

67 12. Off-site stormwater management systems and retention
68 structures.
69
70 Such projects and funds may not be constructed or expended
71 within a municipality unless the county has an interlocal
72 agreement with the municipality. The funds may not be used for
73 the construction of buildings used solely for commercial or
74 retail purposes within the tax increment area.
75 (c) The tax increment authorized under this section shall
76 be determined annually and shall be the amount equal to a
77 maximum of 95 percent of the difference between:
78 1. The amount of ad valorem taxes levied each year by the
79 county, exclusive of any amount from any debt service millage,
80 on taxable real property contained within the geographic
81 boundaries of the tax increment area; and
82 2. The amount of ad valorem taxes which would have been
83 produced by the rate upon which the tax is levied each year by
84 or for the county, exclusive of any debt service millage, upon
85 the total of the assessed value of the taxable real property in
86 the tax increment area as shown upon the most recent assessment
87 roll used in connection with the taxation of such property by
88 the county before establishment of the tax increment area.
89 (d) The Department of Transportation or the Florida
90 Turnpike Enterprise may not impose a fee on or require a
91 contribution from a commercial or retail development within a

92 tax increment area to fund or assist in funding any
93 transportation infrastructure improvement.
94 (e) If a developer fails to complete a development within
95 a tax increment area for which the county has spent tax
96 increment funds pursuant to this subsection, the county may
97 place a lien on all or a portion of the developer's property
98 within the tax increment area and receive the revenues derived
99 from such property to secure repayment of any county obligations
100 derived from revenue bonds paid with tax increment funds. The
101 county shall release all or any portion of the property subject
102 to a lien pursuant to this paragraph upon issuance of a
103 certificate of occupancy for the development or upon a full
104 settlement of county obligations.
105 (f) The powers conferred by this subsection are in
106 addition to existing powers and statutes and shall not be
107 construed as repealing any provision of any other general or
108 special law.
109 Section 3. Subsection (7) of section 163.3175, Florida
110 Statutes, is amended to read:
111 163.3175 Legislative findings on compatibility of
112 development with military installations; exchange of information
113 between local governments and military installations.—
114 (7) To facilitate the exchange of information provided for
115 in this section, a representative of a military installation
116 acting on behalf of all military installations within that
117 jurisdiction shall serve ~~be included as an~~ ex officio as a~~,~~

118 nonvoting member of the county's or affected local government's
119 land planning or zoning board. The representative is not
120 required to file a statement of financial interest pursuant to
121 s. 112.3145 solely due to his or her service on the county's or
122 affected local government's land planning or zoning board.
123 Section 4. Paragraph (c) of subsection (2), paragraph (e)
124 of subsection (5), and paragraph (d) of subsection (7) of
125 section 163.3184, Florida Statutes, are amended to read:
126 163.3184 Process for adoption of comprehensive plan or
127 plan amendment.—
128 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
129 (c) Plan amendments that are in an area of critical state
130 concern designated pursuant to s. 380.05; propose a rural land
131 stewardship area pursuant to s. 163.3248; propose a sector plan
132 pursuant to s. 163.3245 or an amendment to an adopted sector
133 plan; update a comprehensive plan based on an evaluation and
134 appraisal pursuant to s. 163.3191; propose a development that is
135 subject to the state coordinated review process ~~qualifies as a~~
136 ~~development of regional impact~~ pursuant to s. 380.06; or are new
137 plans for newly incorporated municipalities adopted pursuant to
138 s. 163.3167, must ~~shall~~ follow the state coordinated review
139 process in subsection (4).
140 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
141 AMENDMENTS.—

142 (e) If the administrative law judge recommends that the
143 amendment be found in compliance, the judge shall submit the
144 recommended order to the state land planning agency.
145 1. If the state land planning agency determines that the
146 plan amendment should be found not in compliance, the agency
147 shall make every effort to refer the recommended order and its
148 determination expeditiously to the Administration Commission for
149 final agency action, but at a minimum within the time period
150 provided by s. 120.569.
151 2. If the state land planning agency determines that the
152 plan amendment should be found in compliance, the agency shall
153 make every effort to enter its final order expeditiously, but at
154 a minimum within the time period provided by s. 120.569.
155 3. The recommended order submitted under this paragraph
156 becomes a final order 90 days after issuance unless the state
157 land planning agency acts as provided in subparagraph 1. or
158 subparagraph 2. or all parties consent in writing to an
159 extension of the 90-day period.
160 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.—
161 (d) For a case following the procedures under this
162 subsection, absent written consent of the parties or a showing
163 of extraordinary circumstances, if the administrative law judge
164 recommends that the amendment be found not in compliance, the
165 Administration Commission shall issue a final order~~, in a case~~
166 ~~proceeding under subsection (5),~~ within 45 days after ~~the~~
167 issuance of the recommended order~~, unless the parties agree in~~

168 ~~writing to a longer time~~. If the administrative law judge
169 recommends that the amendment be found in compliance, the state
170 land planning agency shall issue a final order within 45 days
171 after issuance of the recommended order. If the state land
172 planning agency fails to timely issue a final order, the
173 recommended order finding the amendment to be in compliance
174 immediately becomes the final order.
175 Section 5. Subsection (1) of section 163.3245, Florida
176 Statutes, is amended to read:
177 163.3245 Sector plans.—
178 (1) In recognition of the benefits of long-range planning
179 for specific areas, local governments or combinations of local
180 governments may adopt into their comprehensive plans a sector
181 plan in accordance with this section. This section is intended
182 to promote and encourage long-term planning for conservation,
183 development, and agriculture on a landscape scale; to further
184 support innovative and flexible planning and development
185 strategies, and the purposes of this part and part I of chapter
186 380; to facilitate protection of regionally significant
187 resources, including, but not limited to, regionally significant
188 water courses and wildlife corridors; and to avoid duplication
189 of effort in terms of the level of data and analysis required
190 for a development of regional impact, while ensuring the
191 adequate mitigation of impacts to applicable regional resources
192 and facilities, including those within the jurisdiction of other
193 local governments, as would otherwise be provided. Sector plans

194 are intended for substantial geographic areas that include at
195 least 5,000 ~~15,000~~ acres of one or more local governmental
196 jurisdictions and are to emphasize urban form and protection of
197 regionally significant resources and public facilities. A sector
198 plan may not be adopted in an area of critical state concern.
199 Section 6. Subsection (2) of section 171.046, Florida
200 Statutes, is amended to read:
201 171.046 Annexation of enclaves.—
202 (2) In order to expedite the annexation of enclaves of 110
203 ~~10~~ acres or less into the most appropriate incorporated
204 jurisdiction, based upon existing or proposed service provision
205 arrangements, a municipality may:
206 (a) Annex an enclave by interlocal agreement with the
207 county having jurisdiction of the enclave; or
208 (b) Annex an enclave with fewer than 25 registered voters
209 by municipal ordinance when the annexation is approved in a
210 referendum by at least 60 percent of the registered voters who
211 reside in the enclave.
212 Section 7. Subsection (5), paragraph (b) of subsection
213 (8), and subsection (9) of section 380.0555, Florida Statutes,
214 are amended to read:
215 380.0555 Apalachicola Bay Area; protection and designation
216 as area of critical state concern.—
217 (5) APPLICATION OF CHAPTER 380 PROVISIONS.—Section
218 380.05(1)-(5) ~~(6)~~, (8), (9), ~~-~~(12), (15), (17), and (21), shall
219 not apply to the area designated by this act for so long as the

220 designation remains in effect. Except as otherwise provided in
221 this act, s. 380.045 shall not apply to the area designated by
222 this act. All other provisions of this chapter shall apply,
223 including ss. 380.07 and 380.11, except that the "local
224 development regulations" in s. 380.05(13) shall include the
225 regulations set forth in subsection (8) for purposes of s.
226 380.05(13), and the plan or plans submitted pursuant to s.
227 380.05(14) shall be submitted no later than February 1, 1986.
228 All or part of the area designated by this act may be
229 redesignated pursuant to s. 380.05 as if it had been initially
230 designated pursuant to that section.
231 (8) COMPREHENSIVE PLAN ELEMENTS AND LAND DEVELOPMENT
232 REGULATIONS.—
233 (b) Conflicting regulations.—In the event of any
234 inconsistency between subparagraph (a)1. and subparagraphs
235 (a)2.-11., subparagraph (a)1. shall control. Further, in the
236 event of any inconsistency between subsection (7) and paragraph
237 (a) of this subsection and a development order issued pursuant
238 to s. 380.06, which has become final prior to June 18, 1985, or
239 between subsection (7) and paragraph (a) and an amendment to a
240 final development order, which amendment has been requested
241 prior to April 2, 1985, the development order or amendment
242 thereto shall control. However, any modification to paragraph
243 (a) enacted by a local government and approved by the state land
244 planning agency ~~Administration Commission~~ pursuant to subsection
245 (9) may provide whether it shall control over an inconsistent

246 provision of a development order or amendment thereto. A
247 development order or any amendment thereto referred to in this
248 paragraph shall not be subject to approval by the state land
249 planning agency ~~Administration Commission~~ pursuant to subsection
250 (9).
251 (9) MODIFICATION TO PLANS AND REGULATIONS.—Any land
252 development regulation or element of a local comprehensive plan
253 in the Apalachicola Bay Area may be enacted, amended, or
254 rescinded by a local government, but the enactment, amendment,
255 or rescission becomes effective only upon the approval thereof
256 by the state land planning agency ~~Administration Commission~~. The
257 state land planning agency shall review the proposed change to
258 determine if it complies with the principles for guiding
259 development specified in subsection (7) and must approve or
260 reject the requested change as provided in s. 380.05. Further,
261 the state land planning agency, after consulting with the
262 appropriate local government, may, from time to time, recommend
263 the enactment, amendment, or rescission of a land development
264 regulation or element of a comprehensive plan. Within 45 days
265 following the receipt of such recommendation by the state land
266 planning agency or enactment, amendment, or rescission by a
267 local government the commission shall reject the recommendation,
268 enactment, amendment, or rescission or accept it with or without
269 modification and adopt, by rule, any changes. Any such local
270 land development regulation or comprehensive plan or part of
271 such regulation or plan may be adopted by the commission if it

272 finds that it is in compliance with the principles for guiding
273 development.
274 Section 8. Subsection (14), paragraph (g) of subsection
275 (15), paragraphs (b) and (e) of subsection (19), and subsection
276 (30) of section 380.06, Florida Statutes, are amended to read:
277 380.06 Developments of regional impact.—
278 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.— If
279 the development is not located in an area of critical state
280 concern, in considering whether the development is ~~shall be~~
281 approved, denied, or approved subject to conditions,
282 restrictions, or limitations, the local government shall
283 consider whether, and the extent to which:
284 (a) The development is consistent with the local
285 comprehensive plan and local land development regulations.~~;~~
286 (b) The development is consistent with the report and
287 recommendations of the regional planning agency submitted
288 pursuant to subsection (12).~~; and~~
289 (c) The development is consistent with the State
290 Comprehensive Plan. In consistency determinations, the plan
291 shall be construed and applied in accordance with s. 187.101(3).
292
293 However, a local government may approve a change to a
294 development authorized as a development of regional impact if
295 the change has the effect of reducing the originally approved
296 height, density, or intensity of the development and if the
297 revised development would have been consistent with the

298 comprehensive plan in effect when the development was originally
299 approved. If the revised development is approved, the developer
300 may proceed as provided in s. 163.3167(5).
301 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—
302 (g) A local government may ~~shall~~ not issue a permit
303 ~~permits~~ for a development subsequent to the buildout date
304 contained in the development order unless:
305 1. The proposed development has been evaluated
306 cumulatively with existing development under the substantial
307 deviation provisions of subsection (19) after ~~subsequent to~~ the
308 termination or expiration date;
309 2. The proposed development is consistent with an
310 abandonment of development order that has been issued in
311 accordance with ~~the provisions of~~ subsection (26);
312 3. The development of regional impact is essentially built
313 out, in that all the mitigation requirements in the development
314 order have been satisfied, all developers are in compliance with
315 all applicable terms and conditions of the development order
316 except the buildout date, and the amount of proposed development
317 that remains to be built is less than 40 percent of any
318 applicable development-of-regional-impact threshold; or
319 4. The project has been determined to be an essentially
320 built-out development of regional impact through an agreement
321 executed by the developer, the state land planning agency, and
322 the local government, in accordance with s. 380.032, which will
323 establish the terms and conditions under which the development

324 may be continued. If the project is determined to be essentially
325 built out, development may proceed pursuant to the s. 380.032
326 agreement after the termination or expiration date contained in
327 the development order without further development-of-regional-
328 impact review subject to the local government comprehensive plan
329 and land development regulations ~~or subject to a modified~~
330 ~~development-of-regional-impact analysis~~. The parties may amend
331 the agreement without submission, review, or approval of a
332 notification of proposed change pursuant to subsection (19). For
333 the purposes of ~~As used in~~ this paragraph, a ~~an "essentially~~
334 ~~built-out"~~ development of regional impact is considered
335 essentially built out, if ~~means~~:

336 a. The developers are in compliance with all applicable
337 terms and conditions of the development order except the
338 buildout date or reporting requirements; and

339 b.(I) The amount of development that remains to be built
340 is less than the substantial deviation threshold specified in
341 paragraph (19)(b) for each individual land use category, or, for
342 a multiuse development, the sum total of all unbuilt land uses
343 as a percentage of the applicable substantial deviation
344 threshold is equal to or less than 100 percent; or

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

349

350 The single-family residential portions of a development may be
351 considered "essentially built out" if all of the workforce
352 housing obligations and all of the infrastructure and horizontal
353 development have been completed, at least 50 percent of the
354 dwelling units have been completed, and more than 80 percent of
355 the lots have been conveyed to third-party individual lot owners
356 or to individual builders who own no more than 40 lots at the
357 time of the determination. The mobile home park portions of a
358 development may be considered "essentially built out" if all the
359 infrastructure and horizontal development has been completed,
360 and at least 50 percent of the lots are leased to individual
361 mobile home owners. In order to accommodate changing market
362 demands and achieve maximum land use efficiency in an
363 essentially built out project, when a developer is building out
364 a project, a local government, without the concurrence of the
365 state land planning agency, may adopt a resolution authorizing
366 the developer to exchange one approved land use for another
367 approved land use as specified in the agreement. Before the
368 issuance of a building permit pursuant to an exchange, the
369 developer must demonstrate to the local government that the
370 exchange ratio will not result in a net increase in impacts to
371 public facilities and will meet all applicable requirements of
372 the comprehensive plan and land development code. For
373 developments previously determined to impact strategic
374 intermodal facilities as defined in s. 339.63, the local

375 government shall consult with the Department of Transportation
376 before approving the exchange.
377 (19) SUBSTANTIAL DEVIATIONS.—
378 (b) Any proposed change to a previously approved
379 development of regional impact or development order condition
380 which, either individually or cumulatively with other changes,
381 exceeds any of the ~~following~~ criteria in subparagraphs 1.-11.
382 constitutes ~~shall constitute~~ a substantial deviation and shall
383 cause the development to be subject to further development-of-
384 regional-impact review through the notice of proposed change
385 process under this section. ~~without the necessity for a finding~~
386 ~~of same by the local government:~~
387 1. An increase in the number of parking spaces at an
388 attraction or recreational facility by 15 percent or 500 spaces,
389 whichever is greater, or an increase in the number of spectators
390 that may be accommodated at such a facility by 15 percent or
391 1,500 spectators, whichever is greater.
392 2. A new runway, a new terminal facility, a 25 percent
393 lengthening of an existing runway, or a 25 percent increase in
394 the number of gates of an existing terminal, but only if the
395 increase adds at least three additional gates.
396 3. An increase in land area for office development by 15
397 percent or an increase of gross floor area of office development
398 by 15 percent or 100,000 gross square feet, whichever is
399 greater.

400 4. An increase in the number of dwelling units by 10
401 percent or 55 dwelling units, whichever is greater.
402 5. An increase in the number of dwelling units by 50
403 percent or 200 units, whichever is greater, provided that 15
404 percent of the proposed additional dwelling units are dedicated
405 to affordable workforce housing, subject to a recorded land use
406 restriction that shall be for a period of not less than 20 years
407 and that includes resale provisions to ensure long-term
408 affordability for income-eligible homeowners and renters and
409 provisions for the workforce housing to be commenced before
410 ~~prior to~~ the completion of 50 percent of the market rate
411 dwelling. For purposes of this subparagraph, the term
412 "affordable workforce housing" means housing that is affordable
413 to a person who earns less than 120 percent of the area median
414 income, or less than 140 percent of the area median income if
415 located in a county in which the median purchase price for a
416 single-family existing home exceeds the statewide median
417 purchase price of a single-family existing home. For purposes of
418 this subparagraph, the term "statewide median purchase price of
419 a single-family existing home" means the statewide purchase
420 price as determined in the Florida Sales Report, Single-Family
421 Existing Homes, released each January by the Florida Association
422 of Realtors and the University of Florida Real Estate Research
423 Center.
424 6. An increase in commercial development by 60,000 square
425 feet of gross floor area or of parking spaces provided for

426 customers for 425 cars or a 10 percent increase, whichever is
427 greater.
428 7. An increase in a recreational vehicle park area by 10
429 percent or 110 vehicle spaces, whichever is less.
430 8. A decrease in the area set aside for open space of 5
431 percent or 20 acres, whichever is less.
432 9. A proposed increase to an approved multiuse development
433 of regional impact where the sum of the increases of each land
434 use as a percentage of the applicable substantial deviation
435 criteria is equal to or exceeds 110 percent. The percentage of
436 any decrease in the amount of open space shall be treated as an
437 increase for purposes of determining when 110 percent has been
438 reached or exceeded.
439 10. A 15 percent increase in the number of external
440 vehicle trips generated by the development above that which was
441 projected during the original development-of-regional-impact
442 review.
443 11. Any change that would result in development of any
444 area which was specifically set aside in the application for
445 development approval or in the development order for
446 preservation or special protection of endangered or threatened
447 plants or animals designated as endangered, threatened, or
448 species of special concern and their habitat, any species
449 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
450 archaeological and historical sites designated as significant by
451 the Division of Historical Resources of the Department of State.

452 The refinement of the boundaries and configuration of such areas
453 shall be considered under sub-subparagraph (e)2.j.
454
455 The substantial deviation numerical standards in subparagraphs
456 3., 6., and 9., excluding residential uses, and in subparagraph
457 10., are increased by 100 percent for a project certified under
458 s. 403.973 which creates jobs and meets criteria established by
459 the Department of Economic Opportunity as to its impact on an
460 area's economy, employment, and prevailing wage and skill
461 levels. The substantial deviation numerical standards in
462 subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50
463 percent for a project located wholly within an urban infill and
464 redevelopment area designated on the applicable adopted local
465 comprehensive plan future land use map and not located within
466 the coastal high hazard area.
467 (e)1. Except for a development order rendered pursuant to
468 subsection (22) or subsection (25), a proposed change to a
469 development order which individually or cumulatively with any
470 previous change is less than any numerical criterion contained
471 in subparagraphs (b)1.-10. and does not exceed any other
472 criterion, or which involves an extension of the buildout date
473 of a development, or any phase thereof, of less than 5 years is
474 not subject to the public hearing requirements of subparagraph
475 (f)3., and is not subject to a determination pursuant to
476 subparagraph (f)5. Notice of the proposed change shall be made
477 to the regional planning council and the state land planning

478 agency. Such notice must include a description of previous
479 individual changes made to the development, including changes
480 previously approved by the local government, and must include
481 appropriate amendments to the development order.
482 2. The following changes, individually or cumulatively
483 with any previous changes, are not substantial deviations:
484 a. Changes in the name of the project, developer, owner,
485 or monitoring official.
486 b. Changes to a setback which do not affect noise buffers,
487 environmental protection or mitigation areas, or archaeological
488 or historical resources.
489 c. Changes to minimum lot sizes.
490 d. Changes in the configuration of internal roads which do
491 not affect external access points.
492 e. Changes to the building design or orientation which
493 stay approximately within the approved area designated for such
494 building and parking lot, and which do not affect historical
495 buildings designated as significant by the Division of
496 Historical Resources of the Department of State.
497 f. Changes to increase the acreage in the development, if
498 no development is proposed on the acreage to be added.
499 g. Changes to eliminate an approved land use, if there are
500 no additional regional impacts.
501 h. Changes required to conform to permits approved by any
502 federal, state, or regional permitting agency, if these changes
503 do not create additional regional impacts.

504 i. Any renovation or redevelopment of development within a
505 previously approved development of regional impact which does
506 not change land use or increase density or intensity of use.
507 j. Changes that modify boundaries and configuration of
508 areas described in subparagraph (b)11. due to science-based
509 refinement of such areas by survey, by habitat evaluation, by
510 other recognized assessment methodology, or by an environmental
511 assessment. In order for changes to qualify under this sub-
512 subparagraph, the survey, habitat evaluation, or assessment must
513 occur before the time that a conservation easement protecting
514 such lands is recorded and must not result in any net decrease
515 in the total acreage of the lands specifically set aside for
516 permanent preservation in the final development order.
517 k. Changes that do not increase the number of external
518 peak hour trips and do not reduce open space and conserved areas
519 within the project except as otherwise permitted by sub-
520 subparagraph j.
521 l. A phase date extension, if the state land planning
522 agency, in consultation with the regional planning council and
523 subject to the written concurrence of the Department of
524 Transportation, agrees that the traffic impact is not
525 significant and adverse under applicable state agency rules.
526 m.~~l.~~ Any other change that the state land planning agency,
527 in consultation with the regional planning council, agrees in
528 writing is similar in nature, impact, or character to the
529 changes enumerated in sub-subparagraphs a.-l. ~~a.-k.~~ and that

does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m.~~1.~~ and if the agency believes that the change creates a reasonable likelihood of new or additional regional impacts.

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

555 4. Any submittal of a proposed change to a previously
556 approved development must include a description of individual
557 changes previously made to the development, including changes
558 previously approved by the local government. The local
559 government shall consider the previous and current proposed
560 changes in deciding whether such changes cumulatively constitute
561 a substantial deviation requiring further development-of-
562 regional-impact review.
563 5. The following changes to an approved development of
564 regional impact shall be presumed to create a substantial
565 deviation. Such presumption may be rebutted by clear and
566 convincing evidence:.
567 a. A change proposed for 15 percent or more of the acreage
568 to a land use not previously approved in the development order.
569 Changes of less than 15 percent shall be presumed not to create
570 a substantial deviation.
571 b. Notwithstanding any provision of paragraph (b) to the
572 contrary, a proposed change consisting of simultaneous increases
573 and decreases of at least two of the uses within an authorized
574 multiuse development of regional impact which was originally
575 approved with three or more uses specified in s. 380.0651(3)(c)
576 and (d) and residential use.
577 6. If a local government agrees to a proposed change, a
578 change in the transportation proportionate share calculation and
579 mitigation plan in an adopted development order as a result of
580 recalculation of the proportionate share contribution meeting

581 the requirements of s. 163.3180(5)(h) in effect as of the date
582 of such change shall be presumed not to create a substantial
583 deviation. For purposes of this subsection, the proposed change
584 in the proportionate share calculation or mitigation plan may
585 not be considered an additional regional transportation impact.
586 (30) ~~NEW~~ PROPOSED DEVELOPMENTS.—A ~~new~~ proposed development
587 otherwise subject to the review requirements of this section
588 shall be approved by a local government pursuant to s.
589 163.3184(4) in lieu of proceeding in accordance with this
590 section. <u>However, if the proposed development is consistent with</u>
591 <u>the comprehensive plan as provided in s. 163.3194(3)(b), the</u>
592 <u>development is not required to undergo review pursuant to s.</u>
593 <u>163.3184(4) or this section. This subsection does not apply to</u>
594 <u>amendments to a development order governing an existing</u>
595 <u>development of regional impact.</u>
596 Section 9. Paragraph (c) of subsection (4) of section
597 380.0651, Florida Statutes, is amended to read:
598 380.0651 Statewide guidelines and standards.—
599 (4) Two or more developments, represented by their owners
600 or developers to be separate developments, shall be aggregated
601 and treated as a single development under this chapter when they
602 are determined to be part of a unified plan of development and
603 are physically proximate to one other.
604 (c) Aggregation is not applicable when the following
605 circumstances and provisions of this chapter <u>apply</u> ~~are~~
606 ~~applicable~~:

607 1. Developments that ~~which~~ are otherwise subject to
608 aggregation with a development of regional impact which has
609 received approval through the issuance of a final development
610 order may ~~shall~~ not be aggregated with the approved development
611 of regional impact. However, ~~nothing contained in~~ this
612 subparagraph does not ~~shall~~ preclude the state land planning
613 agency from evaluating an allegedly separate development as a
614 substantial deviation pursuant to s. 380.06(19) or as an
615 independent development of regional impact.

616 2. Two or more developments, each of which is
617 independently a development of regional impact that has or will
618 obtain a development order pursuant to s. 380.06.

619 3. Completion of any development that has been vested
620 pursuant to s. 380.05 or s. 380.06, including vested rights
621 arising out of agreements entered into with the state land
622 planning agency for purposes of resolving vested rights issues.
623 Development-of-regional-impact review of additions to vested
624 developments of regional impact shall not include review of the
625 impacts resulting from the vested portions of the development.

626 4. The developments sought to be aggregated were
627 authorized to commence development before ~~prior to~~ September 1,
628 1988, and could not have been required to be aggregated under
629 the law existing before ~~prior to~~ that date.

630 5. Any development that qualifies for an exemption under
631 s. 380.06(29).

632 6. Newly acquired lands intended for development in
633 coordination with a developed and existing development of
634 regional impact are not subject to aggregation if the newly
635 acquired lands comprise an area that is equal to or less than 10
636 percent of the total acreage subject to an existing development-
637 of-regional-impact development order.
638 Section 10. Subsection (1) of section 380.115, Florida
639 Statutes, is amended to read:
640 380.115 Vested rights and duties; effect of size
641 reduction, changes in guidelines and standards.—
642 (1) A change in a development-of-regional-impact guideline
643 and standard does not abridge or modify any vested or other
644 right or any duty or obligation pursuant to any development
645 order or agreement that is applicable to a development of
646 regional impact. A development that has received a development-
647 of-regional-impact development order pursuant to s. 380.06~~,~~ but
648 is no longer required to undergo development-of-regional-impact
649 review by operation of a change in the guidelines and standards,
650 a development that ~~or~~ has reduced its size below the thresholds
651 as specified in s. 380.0651, ~~or~~ a development that is exempt
652 pursuant to s. 380.06(24) or (29), or a development that elects
653 to rescind the development order are ~~shall be~~ governed by the
654 following procedures:
655 (a) The development shall continue to be governed by the
656 development-of-regional-impact development order and may be
657 completed in reliance upon and pursuant to the development order

658 unless the developer or landowner has followed the procedures
659 for rescission in paragraph (b). Any proposed changes to ~~those~~
660 developments which continue to be governed by a development
661 order must ~~shall~~ be approved pursuant to s. 380.06(19) as it
662 existed before a change in the development-of-regional-impact
663 guidelines and standards, except that all percentage criteria
664 are ~~shall be~~ doubled and all other criteria are ~~shall be~~
665 increased by 10 percent. The development-of-regional-impact
666 development order may be enforced by the local government as
667 provided in ~~by~~ ss. 380.06(17) and 380.11.
668 (b) If requested by the developer or landowner, the
669 development-of-regional-impact development order shall be
670 rescinded by the local government having jurisdiction upon a
671 showing that all required mitigation related to the amount of
672 development that existed on the date of rescission has been
673 completed or will be completed under an existing permit or
674 equivalent authorization issued by a governmental agency as
675 defined in s. 380.031(6), if ~~provided~~ such permit or
676 authorization is subject to enforcement through administrative
677 or judicial remedies.
678
679 ---
680 **T I T L E A M E N D M E N T**
681 Remove lines 3-8 and insert:
682 125.001, F.S.; authorizing county boards to meet and
683 discuss matters of mutual interest with specified

684 counties or municipalities upon due public notice;
685 providing parameters for such meetings; amending s.
686 125.045, F.S.; authorizing the governing body of a
687 county to employ tax increment financing for certain
688 purposes in certain counties; specifying how the tax
689 increment will be determined; prohibiting the
690 Department of Transportation or the Florida Turnpike
691 Enterprise from imposing certain fees on or requiring
692 certain contributions from a commercial or retail
693 development within a tax increment area; authorizing a
694 county to place a lien on a developer's property in
695 the event a developer fails to complete a development
696 within certain tax increment areas; specifying the
697 conditions under which the county must release the
698 property subject to a lien; specifying that the powers
699 conferred in this section are supplemental to existing
700 powers and laws; amending s. 163.3175, F.S.; providing
701 that representatives of military installations who
702 serve ex officio on certain local governments' land
703 planning or zoning boards are not required to file a
704 statement of financial interest; amending s. 163.3184,
705 F.S.; specifying that certain developments must follow
706 the state coordinated review process; providing
707 timeframes within which the Division of Administrative
708 Hearings must transmit certain recommended orders to
709 the Administration Commission; establishing deadlines

710 for the state land planning agency to take action on
711 recommended orders relating to certain plan
712 amendments; providing a procedure for issuing a final
713 order if the state land planning agency fails to act;
714 amending s. 163.3245, F.S.; revising the acreage
715 thresholds for sector plans; amending s. 171.046,
716 F.S.; revising the size of an enclave that a
717 municipality may annex on an expedited basis; amending
718 s. 380.0555, F.S.; providing that comprehensive plan
719 amendments and land development regulations in the
720 Apalachicola Bay Area of critical state concern will
721 be reviewed and approved by the state land planning
722 agency; amending s. 380.06, F.S.; authorizing certain
723 changes to approved developments of regional impact;
724 authorizing parties to amend certain development
725 agreements without submittal, review, or approval of a
726 notification of proposed change; authorizing certain
727 developments to be considered essentially built out
728 when certain reporting requirements of a development
729 order are not met; providing criteria under which one
730 approved land use may be substituted for another
731 approved land use in certain land development
732 agreements under certain circumstances; providing that
733 certain criteria constitute a substantial deviation
734 and shall cause the development to be subject to
735 further review through the notice of proposed change

736 process; specifying that such developments must
737 undergo further development-of-regional-impact review;
738 providing that certain phase date extensions to amend
739 a development order are not substantial deviations
740 under certain circumstances; specifying conditions
741 under which certain proposed developments are not
742 required to undergo the state coordinated review
743 process; amending s. 380.0651, F.S.; providing that
744 lands acquired for development are not subject to
745 aggregation under certain circumstances; amending s.
746 380.115, F.S.; providing the procedures to be used by
747 a development that elects to rescind a development
748 order; amending s. 333.01, F.S.;