

By Senator Simpson

18-00777-15

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1 A bill to be entitled
2 An act relating to sector plans; amending s. 163.3184,
3 F.S.; requiring that plan amendments that propose an
4 amendment to an adopted sector plan follow a specified
5 state-coordinated review process; amending s.
6 163.3245, F.S.; establishing that this section is
7 intended to promote development of a long-term vision
8 for conservation, development, and agriculture on a
9 landscape scale; providing that the purpose of a
10 scoping meeting is to identify the data and resources
11 available to assist in the preparation of the long-
12 term master plan; providing that if the entire
13 planning area proposed for the long-term master plan
14 is within the jurisdiction of two or more local
15 governments, some or all of them may enter into a
16 joint planning agreement with respect to the
17 geographic area that is subject to the long-term
18 master plan; providing that other requirements of this
19 chapter inconsistent with or superseded by certain
20 planning standards relating to a long-term master plan
21 do not apply; requiring that certain maps,
22 illustrations, and text included in a long-term master
23 plan identify general procedures and policies to be
24 followed in facilitating intergovernmental
25 coordination that addresses extrajurisdictional
26 impacts from the future land uses if not addressed in
27 other plan elements; providing that a long-term master
28 plan is not required to project certain factors
29 relating to public facilities or to prescribe certain

18-00777-15

2015832__

30 application or review procedures for a detailed
31 specific area plan under certain circumstances;
32 providing that other requirements of this chapter
33 inconsistent with or superseded by certain planning
34 standards relating to detailed specific area plans do
35 not apply; requiring detailed specific area plans to
36 identify certain factors related to transportation and
37 other public facilities in a 5-year capital
38 improvement schedule of the affected local government;
39 requiring detailed specific area plans to record
40 conservation easements effective by a certain date;
41 requiring detailed specific area plans to identify
42 specific procedures to facilitate intergovernmental
43 coordination to address certain extrajurisdictional
44 impacts if not addressed in other plan elements;
45 requiring that all lands identified in the long-term
46 master plan for permanent preservation be subject to a
47 recorded conservation easement by a certain date;
48 providing that an applicant may request a
49 preapplication conference with the local government
50 that has jurisdiction before filing an application for
51 a detailed specific area plan, subject to certain
52 requirements; requiring the local government to
53 document and provide to participants the findings and
54 agreements within a certain timeframe following the
55 conference; providing that the participants may
56 comment, agree, or disagree in writing with the
57 documentation within a certain timeframe; prohibiting
58 the local government and reviewing agencies from

18-00777-15

2015832__

59 objecting to assumptions and methodologies agreed upon
60 by participants under certain circumstances; requiring
61 the applicant for a detailed specific area plan to
62 transmit copies of the application to specified
63 reviewing agencies for review and comment; requiring
64 such comments to be submitted to the local government
65 having jurisdiction and to the state land planning
66 agency, subject to certain requirements; requiring
67 that natural resources within the planning area
68 identified in a legally effective long-term master
69 plan as significant for preservation or conservation
70 be considered regionally significant natural resources
71 for certain permitting purposes; conforming a cross-
72 reference; authorizing a water management district to
73 issue a requesting applicant a consumptive use permit
74 for a duration commensurate with an approved master
75 development order subject to certain requirements and
76 restrictions; providing applicability; providing an
77 effective date.

78

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

80

81 Section 1. Paragraph (c) of subsection (2) of section
82 163.3184, Florida Statutes, is amended to read:

83 163.3184 Process for adoption of comprehensive plan or plan
84 amendment.—

85 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

86 (c) Plan amendments that are in an area of critical state
87 concern designated pursuant to s. 380.05; propose a rural land

18-00777-15

2015832__

88 stewardship area pursuant to s. 163.3248; propose a sector plan
89 pursuant to s. 163.3245 or an amendment to an adopted sector
90 plan; update a comprehensive plan based on an evaluation and
91 appraisal pursuant to s. 163.3191; propose a development
92 pursuant to s. 380.06(24) (x); or are new plans for newly
93 incorporated municipalities adopted pursuant to s. 163.3167
94 shall follow the state coordinated review process in subsection
95 (4).

96 Section 2. Section 163.3245, Florida Statutes, is amended
97 to read:

98 163.3245 Sector plans.—

99 (1) In recognition of the benefits of developing a long-
100 term vision and long-range plans ~~planning~~ for specific areas,
101 local governments or combinations of local governments may adopt
102 into their comprehensive plans a sector plan in accordance with
103 this section. This section is intended to promote and encourage
104 development of a long-term vision and long-range plans ~~planning~~
105 for conservation, development, and agriculture on a landscape
106 scale; to further support innovative and flexible planning and
107 development strategies, and the purposes of this part and part I
108 of chapter 380; to facilitate protection of regionally
109 significant resources, including, but not limited to, regionally
110 significant water courses and wildlife corridors; and to avoid
111 duplication of effort in terms of the level of data and analysis
112 required for a development of regional impact, while ensuring
113 the adequate mitigation of impacts to applicable regional
114 resources and facilities, including those within the
115 jurisdiction of other local governments, as would otherwise be
116 provided. Sector plans are intended for substantial geographic

18-00777-15

2015832__

117 areas that include at least 15,000 acres of one or more local
118 governmental jurisdictions and are to emphasize urban form and
119 protection of regionally significant resources and public
120 facilities. A sector plan may not be adopted in an area of
121 critical state concern.

122 (2) Upon the request of a local government having
123 jurisdiction, the applicable regional planning council shall
124 conduct a scoping meeting with affected local governments and
125 those agencies identified in s. 163.3184(1)(c) before
126 preparation of the sector plan. The purpose of this meeting is
127 to assist the state land planning agency and the local
128 government in the identification of the relevant planning issues
129 to be addressed and the data and resources available to assist
130 in the preparation of the long-term master ~~sector~~ plan. If a
131 scoping meeting is conducted, the regional planning council
132 shall make written recommendations to the state land planning
133 agency and affected local governments on the issues requested by
134 the local government. The scoping meeting shall be noticed and
135 open to the public. If the entire planning area proposed for the
136 long-term master ~~sector~~ plan is within the jurisdiction of two
137 or more local governments, some or all of them may enter into a
138 joint planning agreement pursuant to s. 163.3171 with respect to
139 the geographic area to be subject to the long-term master ~~sector~~
140 plan, the planning issues that will be emphasized, procedures
141 for intergovernmental coordination to address
142 extrajurisdictional impacts, supporting application materials
143 including data and analysis, procedures for public
144 participation, or other issues.

145 (3) Sector planning encompasses two levels: adoption

18-00777-15

2015832__

146 pursuant to s. 163.3184 of a long-term master plan for the
147 entire planning area as part of the comprehensive plan, and
148 adoption by local development order of two or more detailed
149 specific area plans that implement the long-term master plan and
150 within which s. 380.06 is waived.

151 (a) In addition to the other requirements of this chapter,
152 except for those that are inconsistent with or superseded by the
153 planning standards of this paragraph, a long-term master plan
154 pursuant to this section must include maps, illustrations, and
155 text supported by data and analysis to address the following:

156 1. A framework map that, at a minimum, generally depicts
157 areas of urban, agricultural, rural, and conservation land use;
158 identifies allowed uses in various parts of the planning area;
159 specifies maximum and minimum densities and intensities of use;
160 and provides the general framework for the development pattern
161 in developed areas with graphic illustrations based on a
162 hierarchy of places and functional place-making components.

163 2. A general identification of the water supplies needed
164 and available sources of water, including water resource
165 development and water supply development projects, if any, and
166 water conservation measures needed to meet the projected demand
167 of the future land uses in the long-term master plan.

168 3. A general identification of the transportation
169 facilities to serve the future land uses in the long-term master
170 plan, including guidelines to be used to establish each modal
171 component intended to optimize mobility.

172 4. A general identification of other regionally significant
173 public facilities necessary to support the future land uses,
174 which may include central utilities provided onsite within the

18-00777-15

2015832__

175 planning area, and policies setting forth the procedures to be
176 used to mitigate the impacts of future land uses on public
177 facilities.

178 5. A general identification of regionally significant
179 natural resources within the planning area based on the best
180 available data and policies setting forth the procedures for
181 protection or conservation of specific resources consistent with
182 the overall conservation and development strategy for the
183 planning area.

184 6. General principles and guidelines addressing the urban
185 form and the interrelationships of future land uses; the
186 protection and, as appropriate, restoration and management of
187 lands identified for permanent preservation through recordation
188 of conservation easements consistent with s. 704.06, which shall
189 be phased or staged in coordination with detailed specific area
190 plans to reflect phased or staged development within the
191 planning area; achieving a more clean, healthy environment;
192 limiting urban sprawl; providing a range of housing types;
193 protecting wildlife and natural areas; advancing the efficient
194 use of land and other resources; creating quality communities of
195 a design that promotes travel by multiple transportation modes;
196 and enhancing the prospects for the creation of jobs.

197 7. Identification of general procedures and policies to
198 facilitate intergovernmental coordination to address
199 extrajurisdictional impacts from the future land uses if not
200 addressed in other plan elements.

201

202 A long-term master plan adopted pursuant to this section may be
203 based upon a planning period longer than the generally

18-00777-15

2015832__

204 applicable planning period of the local comprehensive plan,
205 shall specify the projected population within the planning area
206 during the chosen planning period, and may include a phasing or
207 staging schedule that allocates a portion of the local
208 government's future growth to the planning area through the
209 planning period. A long-term master plan adopted pursuant to
210 this section is not required to demonstrate need based upon
211 projected population growth or on any other basis; to project
212 the costs, locations, phasing or staging, or means of financing
213 transportation or other public facilities needed to support the
214 future land uses within the planning area; or to prescribe
215 application or review procedures for a detailed specific area
216 plan that would differ from the local government's generally
217 applicable requirements for local development orders except as
218 required by this section.

219 (b) In addition to the other requirements of this chapter,
220 except for those that are inconsistent with or superseded by the
221 planning standards of this paragraph, the detailed specific area
222 plans shall be consistent with the long-term master plan and
223 must include conditions and commitments that provide for:

224 1. Development or conservation of an area of at least 1,000
225 acres consistent with the long-term master plan. The local
226 government may approve detailed specific area plans of less than
227 1,000 acres based on local circumstances if it is determined
228 that the detailed specific area plan furthers the purposes of
229 this part and part I of chapter 380.

230 2. Detailed identification and analysis of the maximum and
231 minimum densities and intensities of use and the distribution,
232 extent, and location of future land uses.

18-00777-15

2015832__

233 3. Detailed identification of water resource development
234 and water supply development projects, if any, and related
235 infrastructure and water conservation measures to address water
236 needs of development in the detailed specific area plan.

237 4. Detailed identification of the transportation facilities
238 to serve the future land uses in the detailed specific area
239 plan, including the costs, locations, phasing or staging, and
240 means of financing such facilities, in a 5-year capital
241 improvement schedule of the affected local government.

242 5. Detailed identification of other regionally significant
243 public facilities, including public facilities outside the
244 jurisdiction of the host local government, impacts of future
245 land uses on those facilities, and required improvements
246 consistent with the long-term master plan.

247 6. Public facilities necessary to serve development in the
248 detailed specific area plan, including the costs, locations,
249 phasing or staging, and means of financing such facilities,
250 including developer contributions, in a 5-year capital
251 improvement schedule of the affected local government.

252 7. Detailed analysis and identification of specific
253 measures to ensure the protection and, as appropriate,
254 restoration and management of lands within the boundary of the
255 detailed specific area plan identified for permanent
256 preservation through recordation of conservation easements
257 consistent with s. 704.06, which easements shall be effective
258 before or concurrent with the effective date of the latter of
259 the detailed specific area plan or the environmental permits
260 necessary to develop lands within the detailed specific area
261 plan, and other important resources both within and outside the

18-00777-15

2015832__

262 host jurisdiction.

263 8. Detailed principles and guidelines addressing the urban
264 form and the interrelationships of future land uses; achieving a
265 more clean, healthy environment; limiting urban sprawl;
266 providing a range of housing types; protecting wildlife and
267 natural areas; advancing the efficient use of land and other
268 resources; creating quality communities of a design that
269 promotes travel by multiple transportation modes; and enhancing
270 the prospects for the creation of jobs.

271 9. Identification of specific procedures to facilitate
272 intergovernmental coordination to address extrajurisdictional
273 impacts from the detailed specific area plan if not addressed in
274 other plan elements.

275
276 A detailed specific area plan adopted by local development order
277 pursuant to this section may be based upon a planning period
278 longer than the generally applicable planning period of the
279 local comprehensive plan and shall specify the projected
280 population within the specific planning area during the chosen
281 planning period. A detailed specific area plan adopted pursuant
282 to this section is not required to demonstrate need based upon
283 projected population growth or on any other basis. All lands
284 identified in the long-term master plan for permanent
285 preservation shall be subject to a recorded conservation
286 easement consistent with s. 704.06 before or concurrent with the
287 latter of the effective date of the final detailed specific area
288 plan to be approved within the planning area or the
289 environmental permits necessary to develop the final detailed
290 specific area plan.

18-00777-15

2015832__

291 (c) In its review of a long-term master plan, the state
292 land planning agency shall consult with the Department of
293 Agriculture and Consumer Services, the Department of
294 Environmental Protection, the Fish and Wildlife Conservation
295 Commission, and the applicable water management district
296 regarding the design of areas for protection and conservation of
297 regionally significant natural resources and for the protection
298 and, as appropriate, restoration and management of lands
299 identified for permanent preservation.

300 (d) In its review of a long-term master plan, the state
301 land planning agency shall consult with the Department of
302 Transportation, the applicable metropolitan planning
303 organization, and any urban transit agency regarding the
304 location, capacity, design, and phasing or staging of major
305 transportation facilities in the planning area.

306 (e) Before filing an application for approval of a detailed
307 specific area plan, the applicant may contact the local
308 government having jurisdiction over the proposed development to
309 request a preapplication conference. Before the conference, the
310 applicant shall provide preliminary information regarding the
311 proposed detailed specific area plan, including the project
312 location, the type and magnitude of land uses, preliminary site
313 and environmental information, preliminary phasing and buildout
314 dates, and specific methodology proposals. Upon the request of
315 the applicant or the local government, other state and regional
316 agencies shall participate in this conference and shall identify
317 the level of information required for purposes of review of the
318 proposed development and the types of permits issued by, and the
319 permit issuance procedures of, the respective agencies with

18-00777-15

2015832__

320 respect to the proposed development. The level-of-service
321 standards, standards for determining significant impacts, and
322 mitigation standards and procedures required in the
323 transportation methodology must be the same as those used to
324 evaluate the other developments in the jurisdiction. No more
325 than 14 days after the conference, the local government shall
326 document the findings and agreements made by the participants,
327 including a summary of all assumptions and methodologies agreed
328 upon at the conference. The documentation shall be provided to
329 all participants, who have 14 days to comment, agree, or
330 disagree in writing with the summary. For any assumptions or
331 methodologies agreed upon by participants, the local government
332 and reviewing agencies may not subsequently object to those
333 assumptions and methodologies unless subsequent changes to the
334 project or information obtained during the review invalidate
335 those assumptions and methodologies.

336 (f) The applicant for a detailed specific area plan shall
337 transmit copies of the application to the reviewing agencies
338 specified in s. 163.3184(1)(c), or their successor agencies, for
339 review and comment as to whether the detailed specific area plan
340 is consistent with the comprehensive plan and the long-term
341 master plan. Any comments from the reviewing agencies shall be
342 submitted in writing to the local government with jurisdiction
343 and to the state land planning agency within 30 days after the
344 applicant's transmittal of the application.

345 (g) ~~(e)~~ Whenever a local government issues a development
346 order approving a detailed specific area plan, a copy of such
347 order shall be rendered to the state land planning agency and
348 the owner or developer of the property affected by such order,

18-00777-15

2015832__

349 as prescribed by rules of the state land planning agency for a
350 development order for a development of regional impact. Within
351 45 days after the order is rendered, the owner, the developer,
352 or the state land planning agency may appeal the order to the
353 Florida Land and Water Adjudicatory Commission by filing a
354 petition alleging with particularity that the detailed specific
355 area plan is not consistent with the comprehensive plan or with
356 the long-term master plan adopted pursuant to this section. The
357 appellant shall furnish a copy of the petition to the opposing
358 party, as the case may be, and to the local government that
359 issued the order. The filing of the petition stays the
360 effectiveness of the order until after completion of the appeal
361 process. However, if a development order approving a detailed
362 specific area plan has been challenged by an aggrieved or
363 adversely affected party in a judicial proceeding pursuant to s.
364 163.3215, and a party to such proceeding serves notice to the
365 state land planning agency, the state land planning agency shall
366 dismiss its appeal to the commission and shall have the right to
367 intervene in the pending judicial proceeding pursuant to s.
368 163.3215. Proceedings for administrative review of an order
369 approving a detailed specific area plan shall be conducted
370 consistent with s. 380.07(6). The commission shall issue a
371 decision granting or denying permission to develop pursuant to
372 the long-term master plan and the standards of this part and may
373 attach conditions or restrictions to its decisions.

374 (h) ~~(f)~~ This subsection does not prevent preparation and
375 approval of the sector plan and detailed specific area plan
376 concurrently or in the same submission.

377 (4) Upon the long-term master plan becoming legally

18-00777-15

2015832__

378 effective:

379 (a) Any long-range transportation plan developed by a
380 metropolitan planning organization pursuant to s. 339.175(7)
381 must be consistent, to the maximum extent feasible, with the
382 long-term master plan, including, but not limited to, the
383 projected population and the approved uses and densities and
384 intensities of use and their distribution within the planning
385 area. The transportation facilities identified in adopted plans
386 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
387 in coordination with the adopted M.P.O. long-range
388 transportation plan.

389 (b) The water needs, sources and water resource
390 development, and water supply development projects identified in
391 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall
392 be incorporated into the applicable district and regional water
393 supply plans adopted in accordance with ss. 373.036 and 373.709.
394 Accordingly, and notwithstanding the permit durations stated in
395 s. 373.236, an applicant may request and the applicable district
396 may issue consumptive use permits for durations commensurate
397 with the long-term master plan or detailed specific area plan,
398 considering the ability of the master plan area to contribute to
399 regional water supply availability and the need to maximize
400 reasonable-beneficial use of the water resource. The permitting
401 criteria in s. 373.223 shall be applied based upon the projected
402 population and the approved densities and intensities of use and
403 their distribution in the long-term master plan; however, the
404 allocation of the water may be phased over the permit duration
405 to correspond to actual projected needs. This paragraph does not
406 supersede the public interest test set forth in s. 373.223.

18-00777-15

2015832__

407 (c) All natural resources within the planning area
408 identified in the long-term master plan as regionally
409 significant natural resources for preservation or conservation
410 must be considered regionally significant natural resources for
411 purposes of permitting pursuant to chapter 373.

412 (5) When a detailed specific area plan has become effective
413 for a portion of the planning area governed by a long-term
414 master plan adopted pursuant to this section, s. 380.06 does not
415 apply to development within the geographic area of the detailed
416 specific area plan. However, any development-of-regional-impact
417 development order that is vested from the detailed specific area
418 plan may be enforced pursuant to s. 380.11.

419 (a) The local government adopting the detailed specific
420 area plan is primarily responsible for monitoring and enforcing
421 the detailed specific area plan. Local governments may not issue
422 any permits or approvals or provide any extensions of services
423 to development that are not consistent with the detailed
424 specific area plan.

425 (b) If the state land planning agency has reason to believe
426 that a violation of any detailed specific area plan has occurred
427 or is about to occur, it may institute an administrative or
428 judicial proceeding to prevent, abate, or control the conditions
429 or activity creating the violation, using the procedures in s.
430 380.11.

431 (c) In instituting an administrative or judicial proceeding
432 involving a sector plan or detailed specific area plan,
433 including a proceeding pursuant to paragraph (b), the
434 complaining party shall comply with the requirements of s.
435 163.3215(4), (5), (6), and (7), except as provided by paragraph

18-00777-15

2015832__

436 (3) (g) ~~(3) (e)~~.

437 (d) The detailed specific area plan shall establish a
438 buildout date until which the approved development is not
439 subject to downzoning, unit density reduction, or intensity
440 reduction, unless the local government can demonstrate that
441 implementation of the plan is not continuing in good faith based
442 on standards established by plan policy, that substantial
443 changes in the conditions underlying the approval of the
444 detailed specific area plan have occurred, that the detailed
445 specific area plan was based on substantially inaccurate
446 information provided by the applicant, or that the change is
447 clearly established to be essential to the public health,
448 safety, or welfare.

449 (6) Concurrent with or subsequent to review and adoption of
450 a long-term master plan pursuant to paragraph (3) (a), an
451 applicant may apply for master development approval pursuant to
452 s. 380.06(21) for the entire planning area in order to establish
453 a buildout date until which the approved uses and densities and
454 intensities of use of the master plan are not subject to
455 downzoning, unit density reduction, or intensity reduction,
456 unless the local government can demonstrate that implementation
457 of the master plan is not continuing in good faith based on
458 standards established by plan policy, that substantial changes
459 in the conditions underlying the approval of the master plan
460 have occurred, that the master plan was based on substantially
461 inaccurate information provided by the applicant, or that change
462 is clearly established to be essential to the public health,
463 safety, or welfare. Review of the application for master
464 development approval shall be at a level of detail appropriate

18-00777-15

2015832__

465 for the long-term and conceptual nature of the long-term master
466 plan and, to the maximum extent possible, may only consider
467 information provided in the application for a long-term master
468 plan. Notwithstanding s. 380.06, an increment of development in
469 such an approved master development plan must be approved by a
470 detailed specific area plan pursuant to paragraph (3)(b) and is
471 exempt from review pursuant to s. 380.06.

472 (7) A developer within an area subject to a long-term
473 master plan that meets the requirements of paragraph (3)(a) and
474 subsection (6) or a detailed specific area plan that meets the
475 requirements of paragraph (3)(b) may enter into a development
476 agreement with a local government pursuant to ss. 163.3220-
477 163.3243. The duration of such a development agreement may be
478 through the planning period of the long-term master plan or the
479 detailed specific area plan, as the case may be, notwithstanding
480 the limit on the duration of a development agreement pursuant to
481 s. 163.3229.

482 (8) Any owner of property within the planning area of a
483 proposed long-term master plan may withdraw his or her consent
484 to the master plan at any time prior to local government
485 adoption, and the local government shall exclude such parcels
486 from the adopted master plan. Thereafter, the long-term master
487 plan, any detailed specific area plan, and the exemption from
488 development-of-regional-impact review under this section do not
489 apply to the subject parcels. After adoption of a long-term
490 master plan, an owner may withdraw his or her property from the
491 master plan only with the approval of the local government by
492 plan amendment adopted and reviewed pursuant to s. 163.3184.

493 (9) The adoption of a long-term master plan or a detailed

18-00777-15

2015832__

494 specific area plan pursuant to this section does not limit the
495 right to continue existing agricultural or silvicultural uses or
496 other natural resource-based operations or to establish similar
497 new agricultural or silvicultural uses that are consistent with
498 the plans approved pursuant to this section.

499 (10) The state land planning agency may enter into an
500 agreement with a local government that, on or before July 1,
501 2011, adopted a large-area comprehensive plan amendment
502 consisting of at least 15,000 acres that meets the requirements
503 for a long-term master plan in paragraph (3) (a), after notice
504 and public hearing by the local government, and thereafter,
505 notwithstanding s. 380.06, this part, or any planning agreement
506 or plan policy, the large-area plan shall be implemented through
507 detailed specific area plans that meet the requirements of
508 paragraph (3) (b) and shall otherwise be subject to this section.

509 (11) Notwithstanding this section, a detailed specific area
510 plan to implement a conceptual long-term buildout overlay,
511 adopted by a local government and found in compliance before
512 July 1, 2011, shall be governed by this section.

513 (12) Notwithstanding s. 380.06, this part, or any planning
514 agreement or plan policy, a landowner or developer who has
515 received approval of a master development-of-regional-impact
516 development order pursuant to s. 380.06(21) may apply to
517 implement this order by filing one or more applications to
518 approve a detailed specific area plan pursuant to paragraph
519 (3) (b).

520 (13) A water management district may issue to an applicant,
521 upon request, a consumptive use permit for a period of time
522 commensurate with an approved master development order if the

18-00777-15

2015832__

523 master development order was issued under s. 380.06(21) by a
524 county designated as a rural area of opportunity under s.
525 288.0656 and if the development is not located in an area
526 encompassed by a regional water supply plan as set forth in s.
527 373.709(1). The water management district shall apply the
528 permitting criteria specified in s. 373.223, based on the
529 projected population and approved densities and intensities of
530 use and their distribution in the master development order.
531 However, the water management district may phase in the water
532 allocation over the period during which the permit is valid to
533 correspond to actual projected needs. This subsection does not
534 supersede the public interest test established in s. 373.223.

535 (14)~~(13)~~ This section may not be construed to abrogate the
536 rights of any person under this chapter.

537 (15) The more specific provisions of this section shall
538 supersede the generally applicable provisions of this chapter
539 which otherwise would apply.

540 Section 3. This act shall take effect July 1, 2015.