

By the Committee on Community Affairs; and Senator Diaz de la Portilla

578-02633-16

20161190c1

1 A bill to be entitled

2 An act relating to growth management; amending s.
3 125.045, F.S.; authorizing the governing body of a
4 county to employ tax increment financing; requiring
5 the governing body of a county to administer a
6 separate reserve account for tax increment areas for
7 the deposit of tax increment revenues; requiring that
8 tax increment revenues be used to fund certain
9 activities and projects which directly benefit the tax
10 increment area; specifying requirements for a tax
11 increment; amending s. 163.3184, F.S.; specifying that
12 certain developments must follow the state coordinated
13 review process; providing timeframes within which the
14 Division of Administrative Hearings must transmit
15 certain recommended orders to the Administration
16 Commission; establishing deadlines for the state land
17 planning agency to take action on recommended orders
18 relating to certain plan amendments; providing a
19 procedure for issuing a final order if the state land
20 planning agency fails to take action; amending s.
21 163.3245, F.S.; revising the acreage thresholds for
22 sector plans; amending s. 171.046, F.S.; revising the
23 size of an enclave that a municipality may annex on an
24 expedited basis; amending s. 380.06, F.S.; authorizing
25 certain changes to approved developments of regional
26 impact; authorizing parties to amend certain
27 development agreements without submittal, review, or
28 approval of a notification of proposed change;
29 providing criteria under which one approved land use
30 may be submitted for another approved land use in
31 certain land development agreements under certain

578-02633-16

20161190c1

32 circumstances; specifying that certain proposed
33 changes to certain developments are a substantial
34 deviation; specifying that such developments must
35 undergo further development-of-regional-impact review;
36 providing that certain phase date extensions to amend
37 a development order are not substantial deviations
38 under certain circumstances; specifying conditions
39 under which certain proposed developments are not
40 required to undergo the state-coordinated review
41 process; amending s. 380.0651, F.S.; providing that
42 lands acquired for development are not subject to
43 aggregation under certain circumstances; amending s.
44 380.115, F.S.; providing the procedures to be used by
45 a development that elects to rescind a development
46 order; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Subsection (6) is added to section 125.045,
51 Florida Statutes, to read:

52 125.045 County economic development powers.—

53 (6) The governing body of a county may employ tax increment
54 financing for the purposes of this section. For any tax
55 increment area created pursuant to this section, the governing
56 body of a county shall administer a separate reserve account for
57 the deposit of tax increment revenues. Tax increment revenues,
58 including the proceeds of any revenue bonds secured by, and
59 repaid with, such tax increment revenues, shall be used to fund
60 economic development activities and projects which directly

578-02633-16

20161190c1

61 benefit the tax increment area. The tax increment authorized
62 under this section shall be determined annually and shall be the
63 amount equal to a maximum of 95 percent of the difference
64 between:

65 (a) The amount of ad valorem taxes levied each year by the
66 county, exclusive of any amount from any debt service millage,
67 on taxable real property contained within the geographic
68 boundaries of the tax increment area; and

69 (b) The amount of ad valorem taxes which would have been
70 produced by the rate upon which the tax is levied each year by
71 or for the county, exclusive of any debt service millage, upon
72 the total of the assessed value of the taxable real property in
73 the tax increment area, as shown upon the most recent assessment
74 roll used in connection with the taxation of such property by
75 the county, before establishment of the tax increment area.

76 Section 2. Paragraph (c) of subsection (2), paragraph (e)
77 of subsection (5), and paragraph (d) of subsection (7) of
78 section 163.3184, Florida Statutes, are amended to read:

79 163.3184 Process for adoption of comprehensive plan or plan
80 amendment.—

81 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

82 (c) Plan amendments that are in an area of critical state
83 concern designated pursuant to s. 380.05; propose a rural land
84 stewardship area pursuant to s. 163.3248; propose a sector plan
85 pursuant to s. 163.3245 or an amendment to an adopted sector
86 plan; update a comprehensive plan based on an evaluation and
87 appraisal pursuant to s. 163.3191; propose a development that is
88 subject to the state coordinated review process ~~qualifies as a~~
89 ~~development of regional impact~~ pursuant to s. 380.06; or are new

578-02633-16

20161190c1

90 plans for newly incorporated municipalities adopted pursuant to
91 s. 163.3167 must ~~shall~~ follow the state coordinated review
92 process in subsection (4).

93 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
94 AMENDMENTS.—

95 (e) If the administrative law judge recommends that the
96 amendment be found in compliance, the judge shall submit the
97 recommended order to the state land planning agency.

98 1. If the state land planning agency determines that the
99 plan amendment should be found not in compliance, the agency
100 shall make every effort to refer the recommended order and its
101 determination expeditiously to the Administration Commission for
102 final agency action, but at a minimum within the time period
103 provided by s. 120.569.

104 2. If the state land planning agency determines that the
105 plan amendment should be found in compliance, the agency shall
106 make every effort to enter its final order expeditiously, but at
107 a minimum within the time period provided by s. 120.569.

108 3. The recommended order submitted under this paragraph
109 becomes a final order 90 days after issuance unless the state
110 land planning agency acts as provided in subparagraph 1. or
111 subparagraph 2., or all parties consent in writing to an
112 extension of the 90-day period.

113 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

114 (d) For a case following the procedures under this
115 subsection, absent a showing of extraordinary circumstances or
116 written consent of the parties, if the administrative law judge
117 recommends that the amendment be found not in compliance, the
118 Administration Commission shall issue a final order, ~~in a case~~

578-02633-16

20161190c1

119 ~~proceeding under subsection (5),~~ within 45 days after the
120 issuance of the recommended order, ~~unless the parties agree in~~
121 ~~writing to a longer time.~~ If the administrative law judge
122 recommends that the amendment be found in compliance, the state
123 land planning agency shall issue a final order within 45 days
124 after the issuance of the recommended order. If the state land
125 planning agency fails to timely issue a final order, the
126 recommended order finding the amendment to be in compliance
127 immediately becomes final.

128 Section 3. Subsection (1) of section 163.3245, Florida
129 Statutes, is amended to read:

130 163.3245 Sector plans.—

131 (1) In recognition of the benefits of long-range planning
132 for specific areas, local governments or combinations of local
133 governments may adopt into their comprehensive plans a sector
134 plan in accordance with this section. This section is intended
135 to promote and encourage long-term planning for conservation,
136 development, and agriculture on a landscape scale; to further
137 support innovative and flexible planning and development
138 strategies, and the purposes of this part and part I of chapter
139 380; to facilitate protection of regionally significant
140 resources, including, but not limited to, regionally significant
141 water courses and wildlife corridors; and to avoid duplication
142 of effort in terms of the level of data and analysis required
143 for a development of regional impact, while ensuring the
144 adequate mitigation of impacts to applicable regional resources
145 and facilities, including those within the jurisdiction of other
146 local governments, as would otherwise be provided. Sector plans
147 are intended for substantial geographic areas that include at

578-02633-16

20161190c1

148 least 5,000 ~~15,000~~ acres of one or more local governmental
149 jurisdictions and are to emphasize urban form and protection of
150 regionally significant resources and public facilities. A sector
151 plan may not be adopted in an area of critical state concern.

152 Section 4. Subsection (2) of section 171.046, Florida
153 Statutes, is amended to read:

154 171.046 Annexation of enclaves.—

155 (2) In order to expedite the annexation of enclaves of 110
156 ~~10~~ acres or less into the most appropriate incorporated
157 jurisdiction, based upon existing or proposed service provision
158 arrangements, a municipality may:

159 (a) Annex an enclave by interlocal agreement with the
160 county having jurisdiction of the enclave; or

161 (b) Annex an enclave with fewer than 25 registered voters
162 by municipal ordinance when the annexation is approved in a
163 referendum by at least 60 percent of the registered voters who
164 reside in the enclave.

165 Section 5. Subsection (14), paragraph (g) of subsection
166 (15), paragraphs (b) and (e) of subsection (19), and subsection
167 (30) of section 380.06, Florida Statutes, are amended to read:

168 380.06 Developments of regional impact.—

169 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If
170 the development is not located in an area of critical state
171 concern, in considering whether the development is ~~shall be~~
172 approved, denied, or approved subject to conditions,
173 restrictions, or limitations, the local government shall
174 consider whether, and the extent to which:

175 (a) The development is consistent with the local
176 comprehensive plan and local land development regulations.;

578-02633-16

20161190c1

177 (b) The development is consistent with the report and
178 recommendations of the regional planning agency submitted
179 pursuant to subsection (12). ~~;~~ ~~and~~

180 (c) The development is consistent with the State
181 Comprehensive Plan. In consistency determinations, the plan
182 shall be construed and applied in accordance with s. 187.101(3).
183

184 However, a local government may approve a change to a
185 development authorized as a development of regional impact if
186 the change has the effect of reducing the originally approved
187 height, density, or intensity of the development, and if the
188 revised development would have been consistent with the
189 comprehensive plan in effect when the development was originally
190 approved. If the revised development is approved, the developer
191 may proceed as provided in s. 163.3167(5).

192 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

193 (g) A local government may ~~shall~~ not issue a permit ~~permits~~
194 for a development subsequent to the buildout date contained in
195 the development order unless:

196 1. The proposed development has been evaluated cumulatively
197 with existing development under the substantial deviation
198 provisions of subsection (19) after ~~subsequent to~~ the
199 termination or expiration date;

200 2. The proposed development is consistent with an
201 abandonment of development order that has been issued in
202 accordance with ~~the provisions of~~ subsection (26);

203 3. The development of regional impact is essentially built
204 out, in that all the mitigation requirements in the development
205 order have been satisfied, all developers are in compliance with

578-02633-16

20161190c1

206 all applicable terms and conditions of the development order
207 except the buildout date, and the amount of proposed development
208 that remains to be built is less than 40 percent of any
209 applicable development-of-regional-impact threshold; or

210 4. The project has been determined to be an essentially
211 built out ~~built-out~~ development of regional impact through an
212 agreement executed by the developer, the state land planning
213 agency, and the local government, in accordance with s. 380.032,
214 which will establish the terms and conditions under which the
215 development may be continued. If the project is determined to be
216 essentially built out, development may proceed pursuant to the
217 s. 380.032 agreement after the termination or expiration date
218 contained in the development order without further development-
219 of-regional-impact review subject to the local government
220 comprehensive plan and land development regulations ~~or subject~~
221 ~~to a modified development-of-regional-impact analysis.~~ The
222 parties may amend the agreement without submission, review, or
223 approval of a notification of proposed change pursuant to
224 subsection (19). For the purposes of ~~As used in~~ this paragraph,
225 a ~~an "essentially built-out"~~ development of regional impact is
226 essentially built out, if means:

227 a. The developers are in compliance with all applicable
228 terms and conditions of the development order except the
229 buildout date; and

230 b.(I) The amount of development that remains to be built is
231 less than the substantial deviation threshold specified in
232 paragraph (19)(b) for each individual land use category, or, for
233 a multiuse development, the sum total of all unbuilt land uses
234 as a percentage of the applicable substantial deviation

578-02633-16

20161190c1

235 threshold is equal to or less than 100 percent; or

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

240
241 The single-family residential portions of a development may be
242 considered "essentially built out" if all of the workforce
243 housing obligations and all of the infrastructure and horizontal
244 development have been completed, at least 50 percent of the
245 dwelling units have been completed, and more than 80 percent of
246 the lots have been conveyed to third-party individual lot owners
247 or to individual builders who own no more than 40 lots at the
248 time of the determination. The mobile home park portions of a
249 development may be considered "essentially built out" if all the
250 infrastructure and horizontal development has been completed,
251 and at least 50 percent of the lots are leased to individual
252 mobile home owners. In order to accommodate changing market
253 demands and achieve maximum land use efficiency in an
254 essentially built out project, when a developer is building out
255 a project, a local government, without the concurrence of the
256 state land planning agency, may adopt a resolution authorizing
257 the developer to exchange one approved land use for another
258 approved land use specified in the agreement. Before issuance of
259 a building permit pursuant to an exchange, the developer must
260 demonstrate to the local government that the exchange ratio will
261 not result in a net increase in impacts to public facilities and
262 will meet all applicable requirements of the comprehensive plan
263 and land development code.

578-02633-16

20161190c1

264 (19) SUBSTANTIAL DEVIATIONS.—

265 (b) Any proposed change to a previously approved
266 development of regional impact or development order condition
267 which, either individually or cumulatively with other changes,
268 exceeds any of the ~~following~~ criteria in subparagraphs 1.-11.
269 constitutes ~~shall constitute~~ a substantial deviation and shall
270 cause the development to be subject to further development-of-
271 regional-impact review through the notice of proposed change
272 process under this subsection. ~~without the necessity for a~~
273 ~~finding of same by the local government:~~

274 1. An increase in the number of parking spaces at an
275 attraction or recreational facility by 15 percent or 500 spaces,
276 whichever is greater, or an increase in the number of spectators
277 that may be accommodated at such a facility by 15 percent or
278 1,500 spectators, whichever is greater.

279 2. A new runway, a new terminal facility, a 25 percent
280 lengthening of an existing runway, or a 25 percent increase in
281 the number of gates of an existing terminal, but only if the
282 increase adds at least three additional gates.

283 3. An increase in land area for office development by 15
284 percent or an increase of gross floor area of office development
285 by 15 percent or 100,000 gross square feet, whichever is
286 greater.

287 4. An increase in the number of dwelling units by 10
288 percent or 55 dwelling units, whichever is greater.

289 5. An increase in the number of dwelling units by 50
290 percent or 200 units, whichever is greater, provided that 15
291 percent of the proposed additional dwelling units are dedicated
292 to affordable workforce housing, subject to a recorded land use

578-02633-16

20161190c1

293 restriction that shall be for a period of not less than 20 years
294 and that includes resale provisions to ensure long-term
295 affordability for income-eligible homeowners and renters and
296 provisions for the workforce housing to be commenced before
297 ~~prior to~~ the completion of 50 percent of the market rate
298 dwelling. For purposes of this subparagraph, the term
299 "affordable workforce housing" means housing that is affordable
300 to a person who earns less than 120 percent of the area median
301 income, or less than 140 percent of the area median income if
302 located in a county in which the median purchase price for a
303 single-family existing home exceeds the statewide median
304 purchase price of a single-family existing home. For purposes of
305 this subparagraph, the term "statewide median purchase price of
306 a single-family existing home" means the statewide purchase
307 price as determined in the Florida Sales Report, Single-Family
308 Existing Homes, released each January by the Florida Association
309 of Realtors and the University of Florida Real Estate Research
310 Center.

311 6. An increase in commercial development by 60,000 square
312 feet of gross floor area or of parking spaces provided for
313 customers for 425 cars or a 10 percent increase, whichever is
314 greater.

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

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

319 9. A proposed increase to an approved multiuse development
320 of regional impact where the sum of the increases of each land
321 use as a percentage of the applicable substantial deviation

578-02633-16

20161190c1

322 criteria is equal to or exceeds 110 percent. The percentage of
323 any decrease in the amount of open space shall be treated as an
324 increase for purposes of determining when 110 percent has been
325 reached or exceeded.

326 10. A 15 percent increase in the number of external vehicle
327 trips generated by the development above that which was
328 projected during the original development-of-regional-impact
329 review.

330 11. Any change that would result in development of any area
331 which was specifically set aside in the application for
332 development approval or in the development order for
333 preservation or special protection of endangered or threatened
334 plants or animals designated as endangered, threatened, or
335 species of special concern and their habitat, any species
336 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
337 archaeological and historical sites designated as significant by
338 the Division of Historical Resources of the Department of State.
339 The refinement of the boundaries and configuration of such areas
340 shall be considered under sub-subparagraph (e)2.j.

341
342 The substantial deviation numerical standards in subparagraphs
343 3., 6., and 9., excluding residential uses, and in subparagraph
344 10., are increased by 100 percent for a project certified under
345 s. 403.973 which creates jobs and meets criteria established by
346 the Department of Economic Opportunity as to its impact on an
347 area's economy, employment, and prevailing wage and skill
348 levels. The substantial deviation numerical standards in
349 subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50
350 percent for a project located wholly within an urban infill and

578-02633-16

20161190c1

351 redevelopment area designated on the applicable adopted local
352 comprehensive plan future land use map and not located within
353 the coastal high hazard area.

354 (e)1. Except for a development order rendered pursuant to
355 subsection (22) or subsection (25), a proposed change to a
356 development order which individually or cumulatively with any
357 previous change is less than any numerical criterion contained
358 in subparagraphs (b)1.-10. and does not exceed any other
359 criterion, or which involves an extension of the buildout date
360 of a development, or any phase thereof, of less than 5 years is
361 not subject to the public hearing requirements of subparagraph
362 (f)3., and is not subject to a determination pursuant to
363 subparagraph (f)5. Notice of the proposed change shall be made
364 to the regional planning council and the state land planning
365 agency. Such notice must include a description of previous
366 individual changes made to the development, including changes
367 previously approved by the local government, and must include
368 appropriate amendments to the development order.

369 2. The following changes, individually or cumulatively with
370 any previous changes, are not substantial deviations:

371 a. Changes in the name of the project, developer, owner, or
372 monitoring official.

373 b. Changes to a setback which do not affect noise buffers,
374 environmental protection or mitigation areas, or archaeological
375 or historical resources.

376 c. Changes to minimum lot sizes.

377 d. Changes in the configuration of internal roads which do
378 not affect external access points.

379 e. Changes to the building design or orientation which stay

578-02633-16

20161190c1

380 approximately within the approved area designated for such
381 building and parking lot, and which do not affect historical
382 buildings designated as significant by the Division of
383 Historical Resources of the Department of State.

384 f. Changes to increase the acreage in the development, if
385 no development is proposed on the acreage to be added.

386 g. Changes to eliminate an approved land use, if there are
387 no additional regional impacts.

388 h. Changes required to conform to permits approved by any
389 federal, state, or regional permitting agency, if these changes
390 do not create additional regional impacts.

391 i. Any renovation or redevelopment of development within a
392 previously approved development of regional impact which does
393 not change land use or increase density or intensity of use.

394 j. Changes that modify boundaries and configuration of
395 areas described in subparagraph (b)11. due to science-based
396 refinement of such areas by survey, by habitat evaluation, by
397 other recognized assessment methodology, or by an environmental
398 assessment. In order for changes to qualify under this sub-
399 subparagraph, the survey, habitat evaluation, or assessment must
400 occur before the time that a conservation easement protecting
401 such lands is recorded and must not result in any net decrease
402 in the total acreage of the lands specifically set aside for
403 permanent preservation in the final development order.

404 k. Changes that do not increase the number of external peak
405 hour trips and do not reduce open space and conserved areas
406 within the project except as otherwise permitted by sub-
407 subparagraph j.

408 l. A phase date extension, if the state land planning

578-02633-16

20161190c1

409 agency, in consultation with the regional planning council and
410 subject to the written concurrence of the Department of
411 Transportation, agrees that the traffic impact is not
412 significant and adverse under applicable state agency rules.

413 m.~~l.~~ Any other change that the state land planning agency,
414 in consultation with the regional planning council, agrees in
415 writing is similar in nature, impact, or character to the
416 changes enumerated in sub-subparagraphs a.-l. ~~a.-k.~~ and that
417 does not create the likelihood of any additional regional
418 impact.

419
420 This subsection does not require the filing of a notice of
421 proposed change but requires an application to the local
422 government to amend the development order in accordance with the
423 local government's procedures for amendment of a development
424 order. In accordance with the local government's procedures,
425 including requirements for notice to the applicant and the
426 public, the local government shall either deny the application
427 for amendment or adopt an amendment to the development order
428 which approves the application with or without conditions.
429 Following adoption, the local government shall render to the
430 state land planning agency the amendment to the development
431 order. The state land planning agency may appeal, pursuant to s.
432 380.07(3), the amendment to the development order if the
433 amendment involves sub-subparagraph g., sub-subparagraph h.,
434 sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m.
435 ~~l.~~ and if the agency believes that the change creates a
436 reasonable likelihood of new or additional regional impacts.

437 3. Except for the change authorized by sub-subparagraph

578-02633-16

20161190c1

438 2.f., any addition of land not previously reviewed or any change
439 not specified in paragraph (b) or paragraph (c) shall be
440 presumed to create a substantial deviation. This presumption may
441 be rebutted by clear and convincing evidence.

442 4. Any submittal of a proposed change to a previously
443 approved development must include a description of individual
444 changes previously made to the development, including changes
445 previously approved by the local government. The local
446 government shall consider the previous and current proposed
447 changes in deciding whether such changes cumulatively constitute
448 a substantial deviation requiring further development-of-
449 regional-impact review.

450 5. The following changes to an approved development of
451 regional impact shall be presumed to create a substantial
452 deviation. Such presumption may be rebutted by clear and
453 convincing evidence::-

454 a. A change proposed for 15 percent or more of the acreage
455 to a land use not previously approved in the development order.
456 Changes of less than 15 percent shall be presumed not to create
457 a substantial deviation.

458 b. Notwithstanding any provision of paragraph (b) to the
459 contrary, a proposed change consisting of simultaneous increases
460 and decreases of at least two of the uses within an authorized
461 multiuse development of regional impact which was originally
462 approved with three or more uses specified in s. 380.0651(3)(c)
463 and (d) and residential use.

464 6. If a local government agrees to a proposed change, a
465 change in the transportation proportionate share calculation and
466 mitigation plan in an adopted development order as a result of

578-02633-16

20161190c1

467 recalculation of the proportionate share contribution meeting
468 the requirements of s. 163.3180(5)(h) in effect as of the date
469 of such change shall be presumed not to create a substantial
470 deviation. For purposes of this subsection, the proposed change
471 in the proportionate share calculation or mitigation plan may
472 not be considered an additional regional transportation impact.

473 (30) ~~NEW PROPOSED DEVELOPMENTS.~~—A ~~new~~ proposed development
474 otherwise subject to the review requirements of this section
475 shall be approved by a local government pursuant to s.
476 163.3184(4) in lieu of proceeding in accordance with this
477 section. However, if the proposed development is consistent with
478 the comprehensive plan as provided in s. 163.3194(3)(b), the
479 development is not required to undergo review pursuant to s.
480 163.3184(4) or this section. This subsection does not apply to
481 amendments to a development order governing an existing
482 development of regional impact.

483 Section 6. Paragraph (c) of subsection (4) of section
484 380.0651, Florida Statutes, is amended to read:

485 380.0651 Statewide guidelines and standards.—

486 (4) Two or more developments, represented by their owners
487 or developers to be separate developments, shall be aggregated
488 and treated as a single development under this chapter when they
489 are determined to be part of a unified plan of development and
490 are physically proximate to one other.

491 (c) Aggregation is not applicable when the following
492 circumstances and provisions of this chapter apply ~~are~~
493 ~~applicable~~:

494 1. Developments that ~~which~~ are otherwise subject to
495 aggregation with a development of regional impact which has

578-02633-16

20161190c1

496 received approval through the issuance of a final development
497 order may ~~shall~~ not be aggregated with the approved development
498 of regional impact. However, ~~nothing contained in~~ this
499 subparagraph does not ~~shall~~ preclude the state land planning
500 agency from evaluating an allegedly separate development as a
501 substantial deviation pursuant to s. 380.06(19) or as an
502 independent development of regional impact.

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

506 3. Completion of any development that has been vested
507 pursuant to s. 380.05 or s. 380.06, including vested rights
508 arising out of agreements entered into with the state land
509 planning agency for purposes of resolving vested rights issues.
510 Development-of-regional-impact review of additions to vested
511 developments of regional impact shall not include review of the
512 impacts resulting from the vested portions of the development.

513 4. The developments sought to be aggregated were authorized
514 to commence development before ~~prior to~~ September 1, 1988, and
515 could not have been required to be aggregated under the law
516 existing before ~~prior to~~ that date.

517 5. Any development that qualifies for an exemption under s.
518 380.06(29).

519 6. Newly acquired lands intended for development in
520 coordination with developed and existing development of regional
521 impact are not subject to aggregation if such newly acquired
522 lands comprise an area equal to, or less than, 10 percent of the
523 total acreage subject to an existing development-of-regional-
524 impact development order.

578-02633-16

20161190c1

525 Section 7. Subsection (1) of section 380.115, Florida
526 Statutes, is amended to read:

527 380.115 Vested rights and duties; effect of size reduction,
528 changes in guidelines and standards.—

529 (1) A change in a development-of-regional-impact guideline
530 and standard does not abridge or modify any vested or other
531 right or any duty or obligation pursuant to any development
532 order or agreement that is applicable to a development of
533 regional impact. A development that has received a development-
534 of-regional-impact development order pursuant to s. 380.06~~7~~ but
535 is no longer required to undergo development-of-regional-impact
536 review by operation of a change in the guidelines and standards,
537 a development that ~~or~~ has reduced its size below the thresholds
538 specified in s. 380.0651, ~~or~~ a development that is exempt
539 pursuant to s. 380.06(24) or (29), or a development that elects
540 to rescind the development order are ~~shall be~~ governed by the
541 following procedures:

542 (a) The development shall continue to be governed by the
543 development-of-regional-impact development order and may be
544 completed in reliance upon and pursuant to the development order
545 unless the developer or landowner has followed the procedures
546 for rescission in paragraph (b). Any proposed changes to those
547 developments which continue to be governed by a development
548 order must ~~shall~~ be approved pursuant to s. 380.06(19) as it
549 existed before a change in the development-of-regional-impact
550 guidelines and standards, except that all percentage criteria
551 are ~~shall be~~ doubled and all other criteria are ~~shall be~~
552 increased by 10 percent. The development-of-regional-impact
553 development order may be enforced by the local government as

578-02633-16

20161190c1

554 provided in ~~by~~ ss. 380.06(17) and 380.11.

555 (b) If requested by the developer or landowner, the
556 development-of-regional-impact development order shall be
557 rescinded by the local government having jurisdiction upon a
558 showing that all required mitigation related to the amount of
559 development that existed on the date of rescission has been
560 completed or will be completed under an existing permit or
561 equivalent authorization issued by a governmental agency as
562 defined in s. 380.031(6), if ~~provided~~ such permit or
563 authorization is subject to enforcement through administrative
564 or judicial remedies.

565 Section 8. This act shall take effect July 1, 2016.

566