

757-132AXA-22

Bill No. CS/HB 1535

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Carassas offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Subsection (11) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.--

(11) Prior to its effectiveness, an interlocal agreement and subsequent amendments thereto shall be filed with the clerk of the circuit court of each county where a party to the agreement is located. If the parties to the agreement are located in more than one county and the agreement, pursuant to subsection (7), provides for a separate legal or administrative entity to administer the agreement, the interlocal agreement and any amendments thereto may be filed with the clerk of the circuit court in the county where the administrative entity maintains its principal place of business and a memorandum evidencing the filing may be filed with the clerks of the circuit courts in the counties where

1 all other parties to the agreement are located.

2 Section 2. Paragraphs (a) and (h) of subsection (6) of
3 section 163.3177, Florida Statutes, are amended to read:

4 163.3177 Required and optional elements of
5 comprehensive plan; studies and surveys.--

6 (6) In addition to the requirements of subsections
7 (1)-(5), the comprehensive plan shall include the following
8 elements:

9 (a) A future land use plan element designating
10 proposed future general distribution, location, and extent of
11 the uses of land for residential uses, commercial uses,
12 industry, agriculture, recreation, conservation, education,
13 public buildings and grounds, other public facilities, and
14 other categories of the public and private uses of land. Each
15 future land use category must be defined in terms of uses
16 included and must include standards to be followed in the
17 control and distribution of population densities and building
18 and structure intensities.~~The future land use plan shall~~
19 ~~include standards to be followed in the control and~~
20 ~~distribution of population densities and building and~~
21 ~~structure intensities.~~ The proposed distribution, location,
22 and extent of the various categories of land use shall be
23 shown on a land use map or map series which shall be
24 supplemented by goals, policies, and measurable objectives.
25 ~~Each land use category shall be defined in terms of the types~~
26 ~~of uses included and specific standards for the density or~~
27 ~~intensity of use.~~ The future land use plan shall be based
28 upon surveys, studies, and data regarding the area, including
29 the amount of land required to accommodate anticipated growth;
30 the projected population of the area; the character of
31 undeveloped land; the availability of public services; the

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1 need for redevelopment, including the renewal of blighted
2 areas and the elimination of nonconforming uses which are
3 inconsistent with the character of the community; and, in
4 rural communities, the need for job creation, capital
5 investment, and economic development that will strengthen and
6 diversify the community's economy. The future land use plan
7 may designate areas for future planned development use
8 involving combinations of types of uses for which special
9 regulations may be necessary to ensure development in accord
10 with the principles and standards of the comprehensive plan
11 and this act. In addition, for rural communities, the amount
12 of land designated for future planned industrial use shall be
13 based upon surveys and studies that reflect the need for job
14 creation, capital investment, and the necessity to strengthen
15 and diversify the local economies, and shall not be limited
16 solely by the projected population of the rural community. The
17 future land use plan of a county may also designate areas for
18 possible future municipal incorporation. The land use maps or
19 map series shall generally identify and depict historic
20 district boundaries and shall designate historically
21 significant properties meriting protection. The future land
22 use element must clearly identify the land use categories in
23 which public schools are an allowable use. When delineating
24 the land use categories in which public schools are an
25 allowable use, a local government shall include in the
26 categories sufficient land proximate to residential
27 development to meet the projected needs for schools in
28 coordination with public school boards and may establish
29 differing criteria for schools of different type or size.
30 Each local government shall include lands contiguous to
31 existing school sites, to the maximum extent possible, within

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1 the land use categories in which public schools are an
2 allowable use. All comprehensive plans must comply with the
3 school siting requirements of this paragraph no later than
4 October 1, 1999. The failure by a local government to comply
5 with these school siting requirements by October 1, 1999, will
6 result in the prohibition of the local government's ability to
7 amend the local comprehensive plan, except for plan amendments
8 described in s. 163.3187(1)(b), until the school siting
9 requirements are met. An amendment proposed by a local
10 government for purposes of identifying the land use categories
11 in which public schools are an allowable use is exempt from
12 the limitation on the frequency of plan amendments contained
13 in s. 163.3187. The future land use element shall include
14 criteria which encourage the location of schools proximate to
15 urban residential areas to the extent possible and shall
16 require that the local government seek to collocate public
17 facilities, such as parks, libraries, and community centers,
18 with schools to the extent possible. For schools serving
19 predominantly rural counties, defined as a county with a
20 population of 100,000 or fewer, an agricultural land use
21 category shall be eligible for the location of public school
22 facilities if the local comprehensive plan contains school
23 siting criteria and the location is consistent with such
24 criteria.

25 (h)1. An intergovernmental coordination element
26 showing relationships and stating principles and guidelines to
27 be used in the accomplishment of coordination of the adopted
28 comprehensive plan with the plans of school boards and other
29 units of local government providing services but not having
30 regulatory authority over the use of land, with the
31 comprehensive plans of adjacent municipalities, the county,

1 adjacent counties, or the region, and with the state
2 comprehensive plan, as the case may require and as such
3 adopted plans or plans in preparation may exist. This element
4 of the local comprehensive plan shall demonstrate
5 consideration of the particular effects of the local plan,
6 when adopted, upon the development of adjacent municipalities,
7 the county, adjacent counties, or the region, or upon the
8 state comprehensive plan, as the case may require.

9 a. The intergovernmental coordination element shall
10 provide for procedures to identify and implement joint
11 planning areas, especially for the purpose of annexation,
12 municipal incorporation, and joint infrastructure service
13 areas.

14 b. The intergovernmental coordination element shall
15 provide for recognition of campus master plans prepared
16 pursuant to s. 240.155.

17 c. The intergovernmental coordination element may
18 provide for a voluntary dispute resolution process as
19 established pursuant to s. 186.509 for bringing to closure in
20 a timely manner intergovernmental disputes. A local
21 government may develop and use an alternative local dispute
22 resolution process for this purpose.

23 2. The intergovernmental coordination element shall
24 further state principles and guidelines to be used in the
25 accomplishment of coordination of the adopted comprehensive
26 plan with the plans of school boards and other units of local
27 government providing facilities and services but not having
28 regulatory authority over the use of land. In addition, the
29 intergovernmental coordination element shall describe joint
30 processes for collaborative planning and decisionmaking on
31 population projections and public school siting, the location

1 and extension of public facilities subject to concurrency, and
2 siting facilities with countywide significance, including
3 locally unwanted land uses whose nature and identity are
4 established in an agreement. Within 1 year of adopting their
5 intergovernmental coordination elements, each county, all the
6 municipalities within that county, the district school board,
7 and any unit of local government service providers in that
8 county shall establish by interlocal or other formal agreement
9 executed by all affected entities, the joint processes
10 described in this subparagraph consistent with their adopted
11 intergovernmental coordination elements.

12 3. To foster coordination between special districts
13 and local general-purpose governments as local general-purpose
14 governments implement local comprehensive plans, each
15 independent special district must submit a public facilities
16 report to the appropriate local government as required by s.
17 189.415.

18 4. The state land planning agency shall establish a
19 schedule for phased completion and transmittal of plan
20 amendments to implement subparagraphs 1., 2., and 3. from all
21 jurisdictions so as to accomplish their adoption by December
22 31, 1999. A local government may complete and transmit its
23 plan amendments to carry out these provisions prior to the
24 scheduled date established by the state land planning agency.
25 The plan amendments are exempt from the provisions of s.
26 163.3187(1).

27 5. By January 1, 2004, any county having a population
28 greater than 100,000, and the municipalities and special
29 districts within that county, shall submit a report to the
30 Department of Community Affairs that:

31 a. Identifies all existing or proposed interlocal

1 service delivery agreements regarding the following:
2 education, sanitary sewer, public safety, solid waste,
3 drainage, potable water, parks and recreation, and
4 transportation facilities.

5 b. Identifies any deficits or duplication in the
6 provision of services within its jurisdiction, whether capital
7 or operational. Upon request, the Department of Community
8 Affairs shall provide technical assistance to the local
9 governments in identifying deficits or duplication.

10 6. Within 6 months after submission of the report, the
11 Department of Community Affairs shall, through the appropriate
12 regional planning council, coordinate a meeting of all local
13 governments within the regional planning area to discuss the
14 reports and potential strategies to remedy any identified
15 deficiencies or duplications.

16 7. Each local government shall update its
17 intergovernmental coordination element based upon the findings
18 in the report submitted pursuant to subparagraph 5. The report
19 may be used as supporting data and analysis for the
20 intergovernmental coordination element.

21 8. By February 1, 2003, representatives of special
22 districts, municipalities, and counties shall provide to the
23 Legislature recommended statutory changes for annexation,
24 including any changes that address the delivery of local
25 government services in areas planned for annexation.

26 Section 3. Paragraph (c) is added to subsection (4) of
27 section 163.3180, Florida Statutes, to read:

28 163.3180 Concurrency.--

29 (4)

30 (c) The concurrency requirement, except as it relates
31 to transportation facilities, as implemented in local

1 government comprehensive plans may be waived by a local
 2 government for urban infill and redevelopment areas designated
 3 pursuant to s. 163.2517 if such a waiver does not endanger
 4 public health or safety as defined by the local government in
 5 its local government comprehensive plan. The waiver shall be
 6 adopted as a plan amendment pursuant to the process set forth
 7 in s. 163.3187(3)(a). A local government may grant a
 8 concurrency exception pursuant to subsection (5) for
 9 transportation facilities located within these urban infill
 10 and redevelopment areas.

11 Section 4. Paragraph (a) of subsection (1),
 12 subsections (3), (4), (6), (7), (8), and (15), and paragraph
 13 (d) of subsection (16) of section 163.3184, Florida Statutes,
 14 are amended to read:

15 163.3184 Process for adoption of comprehensive plan or
 16 plan amendment.--

17 (1) DEFINITIONS.--As used in this section:

18 (a) "Affected person" includes the affected local
 19 government; persons owning property, residing, or owning or
 20 operating a business within the boundaries of the local
 21 government whose plan is the subject of the review; owners of
 22 real property abutting real property that is the subject of a
 23 proposed change to a future land use map;and adjoining local
 24 governments that can demonstrate that the plan or plan
 25 amendment will produce substantial impacts on the increased
 26 need for publicly funded infrastructure or substantial impacts
 27 on areas designated for protection or special treatment within
 28 their jurisdiction. Each person, other than an adjoining local
 29 government, in order to qualify under this definition, shall
 30 also have submitted oral or written comments, recommendations,
 31 or objections to the local government during the period of

1 time beginning with the transmittal hearing for the plan or
2 plan amendment and ending with the adoption of the plan or
3 plan amendment.

4 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
5 AMENDMENT.--

6 (a) Each local governing body shall transmit the
7 complete proposed comprehensive plan or plan amendment to the
8 state land planning agency, the appropriate regional planning
9 council and water management district, the Department of
10 Environmental Protection, the Department of State,and the
11 Department of Transportation and, in the case of municipal
12 plans, to the appropriate county and, in the case of county
13 plans, to the Fish and Wildlife Conservation Commission and
14 the Department of Agriculture and Consumer Services
15 immediately following a public hearing pursuant to subsection
16 (15) as specified in the state land planning agency's
17 procedural rules. The local governing body shall also transmit
18 a copy of the complete proposed comprehensive plan or plan
19 amendment to any other unit of local government or government
20 agency in the state that has filed a written request with the
21 governing body for the plan or plan amendment. The local
22 government may request a review by the state land planning
23 agency pursuant to subsection (6) at the time of the
24 transmittal of an amendment.

25 (b) A local governing body shall not transmit portions
26 of a plan or plan amendment unless it has previously provided
27 to all state agencies designated by the state land planning
28 agency a complete copy of its adopted comprehensive plan
29 pursuant to subsection (7) and as specified in the agency's
30 procedural rules. In the case of comprehensive plan
31 amendments, the local governing body shall transmit to the

1 state land planning agency, the appropriate regional planning
2 council and water management district, the Department of
3 Environmental Protection, the Department of State, and the
4 Department of Transportation and, in the case of municipal
5 plans, to the appropriate county and, in the case of county
6 plans, to the Fish and Wildlife Conservation Commission and
7 the Department of Agriculture and Consumer Services the
8 materials specified in the state land planning agency's
9 procedural rules and, in cases in which the plan amendment is
10 a result of an evaluation and appraisal report adopted
11 pursuant to s. 163.3191, a copy of the evaluation and
12 appraisal report. Local governing bodies shall consolidate all
13 proposed plan amendments into a single submission for each of
14 the two plan amendment adoption dates during the calendar year
15 pursuant to s. 163.3187.

16 (c) A local government may adopt a proposed plan
17 amendment previously transmitted pursuant to this subsection,
18 unless review is requested or otherwise initiated pursuant to
19 subsection (6).

20 (d) In cases in which a local government transmits
21 multiple individual amendments that can be clearly and legally
22 separated and distinguished for the purpose of determining
23 whether to review the proposed amendment, and the state land
24 planning agency elects to review several or a portion of the
25 amendments and the local government chooses to immediately
26 adopt the remaining amendments not reviewed, the amendments
27 immediately adopted and any reviewed amendments that the local
28 government subsequently adopts together constitute one
29 amendment cycle in accordance with s. 163.3187(1).

30 (4) INTERGOVERNMENTAL REVIEW.--~~The if review of a~~
31 ~~proposed comprehensive plan amendment is requested or~~

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1 ~~otherwise initiated pursuant to subsection (6), the state land~~
2 ~~planning agency within 5 working days of determining that such~~
3 ~~a review will be conducted shall transmit a copy of the~~
4 ~~proposed plan amendment to various government agencies, as~~
5 ~~appropriate, for response or comment, including, but not~~
6 ~~limited to, the Department of Environmental Protection, the~~
7 ~~Department of Transportation, the water management district,~~
8 ~~and the regional planning council, and, in the case of~~
9 ~~municipal plans, to the county land planning agency. These~~
10 governmental agencies specified in paragraph (3)(a) shall
11 provide comments to the state land planning agency within 30
12 days after receipt by the state land planning agency of the
13 complete proposed plan amendment. The appropriate regional
14 planning council shall also provide its written comments to
15 the state land planning agency within 30 days after receipt by
16 the state land planning agency of the complete proposed plan
17 amendment and shall specify any objections, recommendations
18 for modifications, and comments of any other regional agencies
19 to which the regional planning council may have referred the
20 proposed plan amendment. Written comments submitted by the
21 public within 30 days after notice of transmittal by the local
22 government of the proposed plan amendment will be considered
23 as if submitted by governmental agencies. All written agency
24 and public comments must be made part of the file maintained
25 under subsection (2).

26 (6) STATE LAND PLANNING AGENCY REVIEW.--

27 (a) The state land planning agency shall review a
28 proposed plan amendment upon request of a regional planning
29 council, affected person, or local government transmitting the
30 plan amendment. The request from the regional planning council
31 or affected person must be if the request is received within

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1 30 days after transmittal of the proposed plan amendment
2 pursuant to subsection (3). ~~The agency shall issue a report~~
3 ~~of its objections, recommendations, and comments regarding the~~
4 ~~proposed plan amendment.~~ A regional planning council or
5 affected person requesting a review shall do so by submitting
6 a written request to the agency with a notice of the request
7 to the local government and any other person who has requested
8 notice.

9 (b) The state land planning agency may review any
10 proposed plan amendment regardless of whether a request for
11 review has been made, if the agency gives notice to the local
12 government, and any other person who has requested notice, of
13 its intention to conduct such a review within 35 ~~30~~ days after
14 receipt of transmittal of the complete proposed plan amendment
15 pursuant to subsection (3).

16 (c) The state land planning agency shall establish by
17 rule a schedule for receipt of comments from the various
18 government agencies, as well as written public comments,
19 pursuant to subsection (4). If the state land planning agency
20 elects to review the amendment or the agency is required to
21 review the amendment as specified in paragraph (a), the agency
22 shall issue a report giving its objections, recommendations,
23 and comments regarding the proposed amendment within 60 days
24 after receipt of the complete proposed amendment by the state
25 land planning agency. ~~The state land planning agency shall~~
26 ~~have 30 days to review comments from the various government~~
27 ~~agencies along with a local government's comprehensive plan or~~
28 ~~plan amendment. During that period, the state land planning~~
29 ~~agency shall transmit in writing its comments to the local~~
30 ~~government along with any objections and any recommendations~~
31 ~~for modifications.~~ When a federal, state, or regional agency

1 has implemented a permitting program, the state land planning
2 agency shall not require a local government to duplicate or
3 exceed that permitting program in its comprehensive plan or to
4 implement such a permitting program in its land development
5 regulations. Nothing contained herein shall prohibit the
6 state land planning agency in conducting its review of local
7 plans or plan amendments from making objections,
8 recommendations, and comments or making compliance
9 determinations regarding densities and intensities consistent
10 with the provisions of this part. In preparing its comments,
11 the state land planning agency shall only base its
12 considerations on written, and not oral, comments, from any
13 source.

14 (d) The state land planning agency review shall
15 identify all written communications with the agency regarding
16 the proposed plan amendment. If the state land planning agency
17 does not issue such a review, it shall identify in writing to
18 the local government all written communications received 30
19 days after transmittal. The written identification must
20 include a list of all documents received or generated by the
21 agency, which list must be of sufficient specificity to enable
22 the documents to be identified and copies requested, if
23 desired, and the name of the person to be contacted to request
24 copies of any identified document. The list of documents must
25 be made a part of the public records of the state land
26 planning agency.

27 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF
28 PLAN OR AMENDMENTS AND TRANSMITTAL.--

29 (a) The local government shall review the written
30 comments submitted to it by the state land planning agency,
31 and any other person, agency, or government. Any comments,

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1 recommendations, or objections and any reply to them shall be
2 public documents, a part of the permanent record in the
3 matter, and admissible in any proceeding in which the
4 comprehensive plan or plan amendment may be at issue. The
5 local government, upon receipt of written comments from the
6 state land planning agency, shall have 120 days to adopt or
7 adopt with changes the proposed comprehensive plan or s.
8 163.3191 plan amendments. In the case of comprehensive plan
9 amendments other than those proposed pursuant to s. 163.3191,
10 the local government shall have 60 days to adopt the
11 amendment, adopt the amendment with changes, or determine that
12 it will not adopt the amendment. The adoption of the proposed
13 plan or plan amendment or the determination not to adopt a
14 plan amendment, other than a plan amendment proposed pursuant
15 to s. 163.3191, shall be made in the course of a public
16 hearing pursuant to subsection (15). The local government
17 shall transmit the complete adopted comprehensive plan or
18 ~~adopted~~ plan amendment, including the names and addresses of
19 persons compiled pursuant to paragraph (15)(c), to the state
20 land planning agency as specified in the agency's procedural
21 rules within 10 working days after adoption. The local
22 governing body shall also transmit a copy of the adopted
23 comprehensive plan or plan amendment to the regional planning
24 agency and to any other unit of local government or
25 governmental agency in the state that has filed a written
26 request with the governing body for a copy of the plan or plan
27 amendment.

28 (b) If the adopted plan amendment is unchanged from
29 the proposed plan amendment transmitted pursuant to subsection
30 (3) and an affected person as defined in paragraph (1)(a) did
31 not raise any objection, the state land planning agency did

1 not review the proposed plan amendment, and the state land
2 planning agency did not raise any objections during its review
3 pursuant to subsection (6), the local government may state in
4 the transmittal letter that the plan amendment is unchanged
5 and was not the subject of objections.

6 (8) NOTICE OF INTENT.--

7 (a) If the transmittal letter correctly states that
8 the plan amendment is unchanged and was not the subject of
9 review or objections pursuant to paragraph (7)(b), the state
10 land planning agency has 20 days after receipt of the
11 transmittal letter within which to issue a notice of intent
12 that the plan amendment is in compliance.

13 (b)(a) Except as provided in paragraph (a) or in s.
14 163.3187(3), the state land planning agency, upon receipt of a
15 local government's complete adopted comprehensive plan or plan
16 amendment, shall have 45 days for review and to determine if
17 the plan or plan amendment is in compliance with this act,
18 unless the amendment is the result of a compliance agreement
19 entered into under subsection (16), in which case the time
20 period for review and determination shall be 30 days. If
21 review was not conducted under subsection (6), the agency's
22 determination must be based upon the plan amendment as
23 adopted. If review was conducted under subsection (6), the
24 agency's determination of compliance must be based only upon
25 one or both of the following:

- 26 1. The state land planning agency's written comments
27 to the local government pursuant to subsection (6); or
28 2. Any changes made by the local government to the
29 comprehensive plan or plan amendment as adopted.

30 ~~(c)(b)1. During the time period provided for in this~~
31 ~~subsection, the state land planning agency shall issue,~~

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1 ~~through a senior administrator or the secretary, as specified~~
2 ~~in the agency's procedural rules, a notice of intent to find~~
3 ~~that the plan or plan amendment is in compliance or not in~~
4 ~~compliance. A notice of intent shall be issued by publication~~
5 ~~in the manner provided by this paragraph and by mailing a copy~~
6 ~~to the local government and to persons who request notice.~~
7 ~~The required advertisement shall be no less than 2 columns~~
8 ~~wide by 10 inches long, and the headline in the advertisement~~
9 ~~shall be in a type no smaller than 12 point. The advertisement~~
10 ~~shall not be placed in that portion of the newspaper where~~
11 ~~legal notices and classified advertisements appear. The~~
12 ~~advertisement shall be published in a newspaper which meets~~
13 ~~the size and circulation requirements set forth in paragraph~~
14 ~~(15)(c) and which has been designated in writing by the~~
15 ~~affected local government at the time of transmittal of the~~
16 ~~amendment. Publication by the state land planning agency of a~~
17 ~~notice of intent in the newspaper designated by the local~~
18 ~~government shall be prima facie evidence of compliance with~~
19 ~~the publication requirements of this section.~~

20 2. ~~For fiscal year 2001-2002 only, the provisions of~~
21 ~~this subparagraph shall supersede the provisions of~~
22 ~~subparagraph 1. During the time period provided for in this~~
23 ~~subsection, the state land planning agency shall issue,~~
24 ~~through a senior administrator or the secretary, as specified~~
25 ~~in the agency's procedural rules, a notice of intent to find~~
26 ~~that the plan or plan amendment is in compliance or not in~~
27 ~~compliance. A notice of intent shall be issued by publication~~
28 ~~in the manner provided by this paragraph and by mailing a copy~~
29 ~~to the local government. The advertisement shall be placed in~~
30 ~~that portion of the newspaper where legal notices appear. The~~
31 ~~advertisement shall be published in a newspaper that meets the~~

1 size and circulation requirements set forth in paragraph
2 (15)(e)(c) and that has been designated in writing by the
3 affected local government at the time of transmittal of the
4 amendment. Publication by the state land planning agency of a
5 notice of intent in the newspaper designated by the local
6 government shall be prima facie evidence of compliance with
7 the publication requirements of this section. The state land
8 planning agency shall post a copy of the notice of intent on
9 the agency's Internet site. The agency shall, no later than
10 the date the notice of intent is transmitted to the newspaper,
11 send by regular mail a courtesy informational statement to
12 persons who provide their names and addresses to the local
13 government at the transmittal hearing or at the adoption
14 hearing where the local government has provided the names and
15 addresses of such persons to the department at the time of
16 transmittal of the adopted amendment. The informational
17 statements shall include the name of the newspaper in which
18 the notice of intent will appear, the approximate date of
19 publication, the ordinance number of the plan or plan
20 amendment, and a statement that affected persons have 21 days
21 after the actual date of publication of the notice to file a
22 petition. ~~This subparagraph expires July 1, 2002.~~

23 2. A local government that has an Internet site shall
24 post a copy of the state land planning agency's notice of
25 intent on the site within 5 days after receipt of the mailed
26 copy of the agency's notice of intent.

27 (15) PUBLIC HEARINGS.--

28 (a) The procedure for transmittal of a complete
29 proposed comprehensive plan or plan amendment pursuant to
30 subsection (3) and for adoption of a comprehensive plan or
31 plan amendment pursuant to subsection (7) shall be by

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1 affirmative vote of not less than a majority of the members of
2 the governing body present at the hearing. The adoption of a
3 comprehensive plan or plan amendment shall be by ordinance.
4 For the purposes of transmitting or adopting a comprehensive
5 plan or plan amendment, the notice requirements in chapters
6 125 and 166 are superseded by this subsection, except as
7 provided in this part.

8 (b) The local governing body shall hold at least two
9 advertised public hearings on the proposed comprehensive plan
10 or plan amendment as follows:

11 1. The first public hearing shall be held at the
12 transmittal stage pursuant to subsection (3). It shall be
13 held on a weekday at least 7 days after the day that the first
14 advertisement is published.

15 2. The second public hearing shall be held at the
16 adoption stage pursuant to subsection (7). It shall be held
17 on a weekday at least 5 days after the day that the second
18 advertisement is published.

19 (c) The local government shall provide a sign-in form
20 at the transmittal hearing and at the adoption hearing for
21 persons to provide their names and mailing addresses. The
22 sign-in form shall advise that any person providing the
23 requested information will receive a courtesy informational
24 statement concerning publications of the state land planning
25 agency's notice of intent. The local government shall add to
26 the sign-in form the name and address of any person who
27 submits written comments concerning the proposed plan or plan
28 amendment during the time period between the commencement of
29 the transmittal hearing and the end of the adoption hearing.
30 It is the responsibility of the person completing the form or
31 providing written comments to accurately, completely, and

1 legibly provide all information needed in order to receive the
2 courtesy informational statement.

3 (d) The agency shall provide a model sign-in form for
4 providing the list to the agency that may be used by the local
5 government to satisfy the requirements of this subsection.

6 (e)(e) If the proposed comprehensive plan or plan
7 amendment changes the actual list of permitted, conditional,
8 or prohibited uses within a future land use category or
9 changes the actual future land use map designation of a parcel
10 or parcels of land, the required advertisements shall be in
11 the format prescribed by s. 125.66(4)(b)2. for a county or by
12 s. 166.041(3)(c)2.b. for a municipality.

13 (16) COMPLIANCE AGREEMENTS.--

14 (d) A local government may adopt a plan amendment
15 pursuant to a compliance agreement in accordance with the
16 requirements of paragraph (15)(a). The plan amendment shall be
17 exempt from the requirements of subsections (2)-(7). The
18 local government shall hold a single adoption public hearing
19 pursuant to the requirements of subparagraph (15)(b)2. and
20 paragraph (15)(e)(e). Within 10 working days after adoption of
21 a plan amendment, the local government shall transmit the
22 amendment to the state land planning agency as specified in
23 the agency's procedural rules, and shall submit one copy to
24 the regional planning agency and to any other unit of local
25 government or government agency in the state that has filed a
26 written request with the governing body for a copy of the plan
27 amendment, and one copy to any party to the proceeding under
28 ss. 120.569 and 120.57 granted intervenor status.

29 Section 5. Subsection (3) of section 380.04, Florida
30 Statutes, is amended to read:

31 380.04 Definition of development.--

1 (3) The following operations or uses shall not be
2 taken for the purpose of this chapter to involve "development"
3 as defined in this section:

4 (a) Work by a highway or road agency or railroad
5 company for the maintenance or improvement of a road or
6 railroad track, if the work is carried out on land within the
7 boundaries of the right-of-way or any work or construction
8 within the boundaries of the right-of-way on the federal
9 interstate highway system.

10 (b) Work by any utility and other persons engaged in
11 the distribution or transmission of electricity, gas, or
12 water, for the purpose of inspecting, repairing, renewing, or
13 constructing on established rights-of-way any sewers, mains,
14 pipes, cables, utility tunnels, power lines, towers, poles,
15 tracks, or the like.

16 (c) Work for the maintenance, renewal, improvement, or
17 alteration of any structure, if the work affects only the
18 interior or the color of the structure or the decoration of
19 the exterior of the structure.

20 (d) The use of any structure or land devoted to
21 dwelling uses for any purpose customarily incidental to
22 enjoyment of the dwelling.

23 (e) The use of any land for the purpose of growing
24 plants, crops, trees, and other agricultural or forestry
25 products; raising livestock; or for other agricultural
26 purposes.

27 (f) A change in use of land or structure from a use
28 within a class specified in an ordinance or rule to another
29 use in the same class.

30 (g) A change in the ownership or form of ownership of
31 any parcel or structure.

1 (h) The creation or termination of rights of access,
2 riparian rights, easements, covenants concerning development
3 of land, or other rights in land.

4 Section 6. Paragraph (d) of subsection (2), paragraph
5 (b) of subsection (4), paragraph (a) of subsection (8),
6 subsection (12), paragraph (c) of subsection (15), subsection
7 (18), paragraphs (b), (c), (e), and (f) of subsection (19),
8 and paragraph (n) of subsection (25) of section 380.06,
9 Florida Statutes, are amended, and paragraphs (i), (j), and
10 (k) are added to subsection (24) of said section, to read:

11 380.06 Developments of regional impact.--

12 (2) STATEWIDE GUIDELINES AND STANDARDS.--

13 (d) The guidelines and standards shall be applied as
14 follows:

15 1. Fixed thresholds.--

16 a. A development that is ~~at or~~ below 100 ~~80~~ percent of
17 all numerical thresholds in the guidelines and standards shall
18 not be required to undergo development-of-regional-impact
19 review.

20 b. A development that is at or above 120 percent of
21 any numerical threshold shall be required to undergo
22 development-of-regional-impact review.

23 c. Projects certified under s. 403.973 which create at
24 least 100 jobs and meet the criteria of the Office of Tourism,
25 Trade, and Economic Development as to their impact on an
26 area's economy, employment, and prevailing wage and skill
27 levels that are at or below 100 percent of the numerical
28 thresholds for industrial plants, industrial parks,
29 distribution, warehousing or wholesaling facilities, office
30 development or multiuse projects other than residential, as
31 described in s. 380.0651(3)(c), (d), and (i), are not required

1 to undergo development-of-regional-impact review.

2 2. Rebuttable presumption ~~presumptions~~.--

3 ~~a. It shall be presumed that a development that is~~
4 ~~between 80 and 100 percent of a numerical threshold shall not~~
5 ~~be required to undergo development-of-regional-impact review.~~

6 ~~b.~~ It shall be presumed that a development that is at
7 100 percent or between 100 and 120 percent of a numerical
8 threshold shall be required to undergo
9 development-of-regional-impact review.

10 (4) BINDING LETTER.--

11 (b) Unless a developer waives the requirements of this
12 paragraph by agreeing to undergo
13 development-of-regional-impact review pursuant to this
14 section, the state land planning agency or local government
15 with jurisdiction over the land on which a development is
16 proposed may require a developer to obtain a binding letter
17 if+

18 ~~1.~~ the development is at a presumptive numerical
19 threshold or up to 20 percent above a numerical threshold in
20 the guidelines and standards, ~~or~~

21 ~~2.~~ The development is between a presumptive numerical
22 threshold and 20 percent below the numerical threshold and the
23 local government or the state land planning agency is in doubt
24 as to whether the character or magnitude of the development at
25 the proposed location creates a likelihood that the
26 development will have a substantial effect on the health,
27 safety, or welfare of citizens of more than one county.

28 (8) PRELIMINARY DEVELOPMENT AGREEMENTS.--

29 (a) A developer may enter into a written preliminary
30 development agreement with the state land planning agency to
31 allow a developer to proceed with a limited amount of the

1 total proposed development, subject to all other governmental
2 approvals and solely at the developer's own risk, prior to
3 issuance of a final development order. All owners of the land
4 in the total proposed development shall join the developer as
5 parties to the agreement. Each agreement shall include and be
6 subject to the following conditions:

7 1. The developer shall comply with the preapplication
8 conference requirements pursuant to subsection (7) within 45
9 days after the execution of the agreement.

10 2. The developer shall file an application for
11 development approval for the total proposed development within
12 3 months after execution of the agreement, unless the state
13 land planning agency agrees to a different time for good cause
14 shown. Failure to timely file an application and to otherwise
15 diligently proceed in good faith to obtain a final development
16 order shall constitute a breach of the preliminary development
17 agreement.

18 3. The agreement shall include maps and legal
19 descriptions of both the preliminary development area and the
20 total proposed development area and shall specifically
21 describe the preliminary development in terms of magnitude and
22 location. The area approved for preliminary development must
23 be included in the application for development approval and
24 shall be subject to the terms and conditions of the final
25 development order.

26 4. The preliminary development shall be limited to
27 lands that the state land planning agency agrees are suitable
28 for development and shall only be allowed in areas where
29 adequate public infrastructure exists to accommodate the
30 preliminary development, when such development will utilize
31 public infrastructure. The developer must also demonstrate

1 that the preliminary development will not result in material
2 adverse impacts to existing resources or existing or planned
3 facilities.

4 5. The preliminary development agreement may allow
5 development which is:

6 a. Less than 100 ~~or equal to 80~~ percent of any
7 applicable threshold if the developer demonstrates that such
8 development is consistent with subparagraph 4.; or

9 b. Less than 120 percent of any applicable threshold
10 if the developer demonstrates that such development is part of
11 a proposed downtown development of regional impact specified
12 in subsection (22) or part of any areawide development of
13 regional impact specified in subsection (25) and that the
14 development is consistent with subparagraph 4.

15 6. The developer and owners of the land may not claim
16 vested rights, or assert equitable estoppel, arising from the
17 agreement or any expenditures or actions taken in reliance on
18 the agreement to continue with the total proposed development
19 beyond the preliminary development. The agreement shall not
20 entitle the developer to a final development order approving
21 the total proposed development or to particular conditions in
22 a final development order.

23 7. The agreement shall not prohibit the regional
24 planning agency from reviewing or commenting on any regional
25 issue that the regional agency determines should be included
26 in the regional agency's report on the application for
27 development approval.

28 8. The agreement shall include a disclosure by the
29 developer and all the owners of the land in the total proposed
30 development of all land or development within 5 miles of the
31 total proposed development in which they have an interest and

1 shall describe such interest.

2 9. In the event of a breach of the agreement or
3 failure to comply with any condition of the agreement, or if
4 the agreement was based on materially inaccurate information,
5 the state land planning agency may terminate the agreement or
6 file suit to enforce the agreement as provided in this section
7 and s. 380.11, including a suit to enjoin all development.

8 10. A notice of the preliminary development agreement
9 shall be recorded by the developer in accordance with s.
10 28.222 with the clerk of the circuit court for each county in
11 which land covered by the terms of the agreement is located.
12 The notice shall include a legal description of the land
13 covered by the agreement and shall state the parties to the
14 agreement, the date of adoption of the agreement and any
15 subsequent amendments, the location where the agreement may be
16 examined, and that the agreement constitutes a land
17 development regulation applicable to portions of the land
18 covered by the agreement. The provisions of the agreement
19 shall inure to the benefit of and be binding upon successors
20 and assigns of the parties in the agreement.

21 11. Except for those agreements which authorize
22 preliminary development for substantial deviations pursuant to
23 subsection (19), a developer who no longer wishes to pursue a
24 development of regional impact may propose to abandon any
25 preliminary development agreement executed after January 1,
26 1985, including those pursuant to s. 380.032(3), provided at
27 the time of abandonment:

28 a. A final development order under this section has
29 been rendered that approves all of the development actually
30 constructed; or

31 b. The amount of development is less than 100 ~~80~~

1 percent of all numerical thresholds of the guidelines and
2 standards, and the state land planning agency determines in
3 writing that the development to date is in compliance with all
4 applicable local regulations and the terms and conditions of
5 the preliminary development agreement and otherwise adequately
6 mitigates for the impacts of the development to date.

7
8 In either event, when a developer proposes to abandon said
9 agreement, the developer shall give written notice and state
10 that he or she is no longer proposing a development of
11 regional impact and provide adequate documentation that he or
12 she has met the criteria for abandonment of the agreement to
13 the state land planning agency. Within 30 days of receipt of
14 adequate documentation of such notice, the state land planning
15 agency shall make its determination as to whether or not the
16 developer meets the criteria for abandonment. Once the state
17 land planning agency determines that the developer meets the
18 criteria for abandonment, the state land planning agency shall
19 issue a notice of abandonment which shall be recorded by the
20 developer in accordance with s. 28.222 with the clerk of the
21 circuit court for each county in which land covered by the
22 terms of the agreement is located.

23 (12) REGIONAL REPORTS.--

24 (a) Within 50 days after receipt of the notice of
25 public hearing required in paragraph (11)(c), the regional
26 planning agency, if one has been designated for the area
27 including the local government, shall prepare and submit to
28 the local government a report and recommendations on the
29 regional impact of the proposed development. In preparing its
30 report and recommendations, the regional planning agency shall
31 identify regional issues based upon the following review

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1 criteria and make recommendations to the local government on
2 these regional issues, specifically considering whether, and
3 the extent to which:

4 1. The development will have a favorable or
5 unfavorable impact on state or regional resources or
6 facilities identified in the applicable state or regional
7 plans. For the purposes of this subsection, "applicable state
8 plan" means the state comprehensive plan. For the purposes of
9 this subsection, "applicable regional plan" means an adopted
10 comprehensive regional policy plan until the adoption of a
11 strategic regional policy plan pursuant to s. 186.508, and
12 thereafter means an adopted strategic regional policy plan.

13 2. The development will significantly impact adjacent
14 jurisdictions. At the request of the appropriate local
15 government, regional planning agencies may also review and
16 comment upon issues that affect only the requesting local
17 government.

18 3. As one of the issues considered in the review in
19 subparagraphs 1. and 2., the development will favorably or
20 adversely affect the ability of people to find adequate
21 housing reasonably accessible to their places of employment.
22 The determination should take into account information on
23 factors that are relevant to the availability of reasonably
24 accessible adequate housing. Adequate housing means housing
25 that is available for occupancy and that is not substandard.

26 (b) At the request of the regional planning agency,
27 other appropriate agencies shall review the proposed
28 development and shall prepare reports and recommendations on
29 issues that are clearly within the jurisdiction of those
30 agencies. Such agency reports shall become part of the
31 regional planning agency report; however, the regional

1 planning agency may attach dissenting views. When water
2 management district and Department of Environmental Protection
3 permits have been issued pursuant to chapter 373 or chapter
4 403, the regional planning council may comment on the regional
5 implications of the permits but may not offer conflicting
6 recommendations.

7 (c) The regional planning agency shall afford the
8 developer or any substantially affected party reasonable
9 opportunity to present evidence to the regional planning
10 agency head relating to the proposed regional agency report
11 and recommendations.

12 (d) When the location of a proposed development
13 involves land within the boundaries of multiple regional
14 planning councils, the state land planning agency shall
15 designate a lead regional planning council. The lead regional
16 planning council shall prepare the regional report.

17 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

18 (c) The development order shall include findings of
19 fact and conclusions of law consistent with subsections (13)
20 and (14). The development order:

21 1. Shall specify the monitoring procedures and the
22 local official responsible for assuring compliance by the
23 developer with the development order.

24 2. Shall establish compliance dates for the
25 development order, including a deadline for commencing
26 physical development and for compliance with conditions of
27 approval or phasing requirements, and shall include a
28 termination date that reasonably reflects the time required to
29 complete the development.

30 3. Shall establish a date until which the local
31 government agrees that the approved development of regional

1 impact shall not be subject to downzoning, unit density
2 reduction, or intensity reduction, unless the local government
3 can demonstrate that substantial changes in the conditions
4 underlying the approval of the development order have occurred
5 or the development order was based on substantially inaccurate
6 information provided by the developer or that the change is
7 clearly established by local government to be essential to the
8 public health, safety, or welfare.

9 4. Shall specify the requirements for the biennial
10 ~~annual~~ report designated under subsection (18), including the
11 date of submission, parties to whom the report is submitted,
12 and contents of the report, based upon the rules adopted by
13 the state land planning agency. Such rules shall specify the
14 scope of any additional local requirements that may be
15 necessary for the report.

16 5. May specify the types of changes to the development
17 which shall require submission for a substantial deviation
18 determination under subsection (19).

19 6. Shall include a legal description of the property.

20 (18) BIENNIAL ~~ANNUAL~~ REPORTS.--The developer shall
21 submit a biennial ~~an annual~~ report on the development of
22 regional impact to the local government, the regional planning
23 agency, the state land planning agency, and all affected
24 permit agencies in alternate years on the date specified in
25 the development order, unless the development order by its
26 terms requires more frequent monitoring. If the ~~annual~~ report
27 is not received, the regional planning agency or the state
28 land planning agency shall notify the local government. If
29 the local government does not receive the ~~annual~~ report or
30 receives notification that the regional planning agency or the
31 state land planning agency has not received the report, the

1 local government shall request in writing that the developer
 2 submit the report within 30 days. The failure to submit the
 3 report after 30 days shall result in the temporary suspension
 4 of the development order by the local government. If no
 5 additional development pursuant to the development order has
 6 occurred since the submission of the previous report, then a
 7 letter from the developer stating that no development has
 8 occurred shall satisfy the requirement for a report.
 9 Development orders that require annual reports may be amended
 10 to require biennial reports at the option of the local
 11 government.

12 (19) SUBSTANTIAL DEVIATIONS.--

13 (b) Any proposed change to a previously approved
 14 development of regional impact or development order condition
 15 which, either individually or cumulatively with other changes,
 16 exceeds any of the following criteria shall constitute a
 17 substantial deviation and shall cause the development to be
 18 subject to further development-of-regional-impact review
 19 without the necessity for a finding of same by the local
 20 government:

21 1. An increase in the number of parking spaces at an
 22 attraction or recreational facility by 5 percent or 300
 23 spaces, whichever is greater, or an increase in the number of
 24 spectators that may be accommodated at such a facility by 5
 25 percent or 1,000 spectators, whichever is greater.

26 2. A new runway, a new terminal facility, a 25-percent
 27 lengthening of an existing runway, or a 25-percent increase in
 28 the number of gates of an existing terminal, but only if the
 29 increase adds at least three additional gates. However, if an
 30 airport is located in two counties, a 10-percent lengthening
 31 of an existing runway or a 20-percent increase in the number

1 of gates of an existing terminal is the applicable criteria.

2 3. An increase in the number of hospital beds by 5
3 percent or 60 beds, whichever is greater.

4 4. An increase in industrial development area by 5
5 percent or 32 acres, whichever is greater.

6 5. An increase in the average annual acreage mined by
7 5 percent or 10 acres, whichever is greater, or an increase in
8 the average daily water consumption by a mining operation by 5
9 percent or 300,000 gallons, whichever is greater. An increase
10 in the size of the mine by 5 percent or 750 acres, whichever
11 is less.

12 6. An increase in land area for office development by
13 5 percent ~~or 6 acres, whichever is greater~~, or an increase of
14 gross floor area of office development by 5 percent or 60,000
15 gross square feet, whichever is greater.

16 7. An increase in the storage capacity for chemical or
17 petroleum storage facilities by 5 percent, 20,000 barrels, or
18 7 million pounds, whichever is greater.

19 8. An increase of development at a waterport of wet
20 storage for 20 watercraft, dry storage for 30 watercraft, or
21 wet/dry storage for 60 watercraft in an area identified in the
22 state marina siting plan as an appropriate site for additional
23 waterport development or a 5-percent increase in watercraft
24 storage capacity, whichever is greater.

25 9. An increase in the number of dwelling units by 5
26 percent or 50 dwelling units, whichever is greater.

27 10. An increase in commercial development by ~~6 acres~~
28 ~~of land area or by~~ 50,000 square feet of gross floor area, or
29 of parking spaces provided for customers for 300 cars or a
30 5-percent increase of either ~~any~~ of these, whichever is
31 greater.

- 1 11. An increase in hotel or motel facility units by 5
2 percent or 75 units, whichever is greater.
- 3 12. An increase in a recreational vehicle park area by
4 5 percent or 100 vehicle spaces, whichever is less.
- 5 13. A decrease in the area set aside for open space of
6 5 percent or 20 acres, whichever is less.
- 7 14. A proposed increase to an approved multiuse
8 development of regional impact where the sum of the increases
9 of each land use as a percentage of the applicable substantial
10 deviation criteria is equal to or exceeds 100 percent. The
11 percentage of any decrease in the amount of open space shall
12 be treated as an increase for purposes of determining when 100
13 percent has been reached or exceeded.
- 14 15. A 15-percent increase in the number of external
15 vehicle trips generated by the development above that which
16 was projected during the original
17 development-of-regional-impact review.
- 18 16. Any change which would result in development of
19 any area which was specifically set aside in the application
20 for development approval or in the development order for
21 preservation or special protection of endangered or threatened
22 plants or animals designated as endangered, threatened, or
23 species of special concern and their habitat, primary dunes,
24 or archaeological and historical sites designated as
25 significant by the Division of Historical Resources of the
26 Department of State. The further refinement of such areas by
27 survey shall be considered under sub-subparagraph (e)5.b.
28
- 29 The substantial deviation numerical standards in subparagraphs
30 4., 6., 10., 14., excluding residential uses, and 15., are
31 increased by 100 percent for a project certified under s.

1 403.973 which creates jobs and meets criteria established by
2 the Office of Tourism, Trade, and Economic Development as to
3 its impact on an area's economy, employment, and prevailing
4 wage and skill levels. The substantial deviation numerical
5 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
6 increased by 50 percent for a project located wholly within an
7 urban infill and redevelopment area designated on the
8 applicable adopted local comprehensive plan future land use
9 map and not located within the coastal high hazard area.

10 (c) An extension of the date of buildout of a
11 development, or any phase thereof, by 7 or more years shall be
12 presumed to create a substantial deviation subject to further
13 development-of-regional-impact review. An extension of the
14 date of buildout, or any phase thereof, of ~~5 years or more but~~
15 ~~less than 7 years shall be presumed not to create a~~
16 ~~substantial deviation. These presumptions may be rebutted by~~
17 ~~clear and convincing evidence at the public hearing held by~~
18 ~~the local government. An extension of less than 7 5 years is~~
19 not a substantial deviation. For the purpose of calculating
20 when a buildout, phase, or termination date has been exceeded,
21 the time shall be tolled during the pendency of administrative
22 or judicial proceedings relating to development permits. Any
23 extension of the buildout date of a project or a phase thereof
24 shall automatically extend the commencement date of the
25 project, the termination date of the development order, the
26 expiration date of the development of regional impact, and the
27 phases thereof by a like period of time.

28 (e)1. ~~A proposed change which, either individually or,~~
29 ~~if there were previous changes, cumulatively with those~~
30 ~~changes, is equal to or exceeds 40 percent of any numerical~~
31 ~~criterion in subparagraphs (b)1.-15., but which does not~~

1 ~~exceed such criterion, shall be presumed not to create a~~
2 ~~substantial deviation subject to further~~
3 ~~development of regional impact review. The presumption may be~~
4 ~~rebutted by clear and convincing evidence at the public~~
5 ~~hearing held by the local government pursuant to subparagraph~~
6 ~~(f)5.~~

7 2. Except for a development order rendered pursuant to
8 subsection (22) or subsection (25), a proposed change to a
9 development order that individually or cumulatively with any
10 previous change is less than ~~40 percent~~ of any numerical
11 criterion contained in subparagraphs (b)1.-15. and does not
12 exceed any other criterion, or that involves an extension of
13 the buildout date of a development, or any phase thereof, of
14 less than 7 5 years is not a substantial deviation, is not
15 subject to the public hearing requirements of subparagraph
16 (f)3., and is not subject to a determination pursuant to
17 subparagraph (f)5. Notice of the proposed change shall be
18 made to the regional planning council and the state land
19 planning agency. Such notice shall include a description of
20 previous individual changes made to the development, including
21 changes previously approved by the local government, and shall
22 include appropriate amendments to the development order.

23 2. The following changes, individually or cumulatively
24 with any previous changes, are not substantial deviations:
25 a. Changes in the name of the project, developer,
26 owner, or monitoring official.
27 b. Changes to a setback that do not affect noise
28 buffers, environmental protection or mitigation areas, or
29 archaeological or historical resources.
30 c. Changes to minimum lot sizes.
31 d. Changes in the configuration of internal roads that

1 do not affect external access points.

2 e. Changes to the building design or orientation that
3 stay approximately within the approved area designated for
4 such building and parking lot, and which do not affect
5 historical buildings designated as significant by the Division
6 of Historical Resources of the Department of State.

7 f. Changes to increase the acreage in the development,
8 provided that no development is proposed on the acreage to be
9 added.

10 g. Changes to eliminate an approved land use, provided
11 that there are no additional regional impacts.

12 h. Changes required to conform to permits approved by
13 any federal, state, or regional permitting agency, provided
14 that these changes do not create additional regional impacts.

15 i. Any renovation or redevelopment of development
16 within a previously approved development of regional impact
17 which does not change land use or increase density or
18 intensity of use.

19 ~~j.i.~~ Any other change which the state land planning
20 agency agrees in writing is similar in nature, impact, or
21 character to the changes enumerated in sub-subparagraphs a.-i.
22 ~~a.-h.~~ and which does not create the likelihood of any
23 additional regional impact.

24
25 This subsection does not require a development order amendment
26 for any change listed in sub-subparagraphs a.-j.a.-i. unless
27 such issue is addressed either in the existing development
28 order or in the application for development approval, but, in
29 the case of the application, only if, and in the manner in
30 which, the application is incorporated in the development
31 order.

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

7 4. Any submittal of a proposed change to a previously
8 approved development shall include a description of individual
9 changes previously made to the development, including changes
10 previously approved by the local government. The local
11 government shall consider the previous and current proposed
12 changes in deciding whether such changes cumulatively
13 constitute a substantial deviation requiring further
14 development-of-regional-impact review.

15 5. The following changes to an approved development of
16 regional impact shall be presumed to create a substantial
17 deviation. Such presumption may be rebutted by clear and
18 convincing evidence.

19 a. A change proposed for 15 percent or more of the
20 acreage to a land use not previously approved in the
21 development order. Changes of less than 15 percent shall be
22 presumed not to create a substantial deviation.

23 b. Except for the types of uses listed in subparagraph
24 (b)16., any change which would result in the development of
25 any area which was specifically set aside in the application
26 for development approval or in the development order for
27 preservation, buffers, or special protection, including
28 habitat for plant and animal species, archaeological and
29 historical sites, dunes, and other special areas.

30 c. Notwithstanding any provision of paragraph (b) to
31 the contrary, a proposed change consisting of simultaneous

1 increases and decreases of at least two of the uses within an
2 authorized multiuse development of regional impact which was
3 originally approved with three or more uses specified in s.
4 380.0651(3)(c), (d), (f), and (g) and residential use.

5 (f)1. The state land planning agency shall establish
6 by rule standard forms for submittal of proposed changes to a
7 previously approved development of regional impact which may
8 require further development-of-regional-impact review. At a
9 minimum, the standard form shall require the developer to
10 provide the precise language that the developer proposes to
11 delete or add as an amendment to the development order.

12 2. The developer shall submit, simultaneously, to the
13 local government, the regional planning agency, and the state
14 land planning agency the request for approval of a proposed
15 change.

16 3. No sooner than 30 days but no later than 45 days
17 after submittal by the developer to the local government, the
18 state land planning agency, and the appropriate regional
19 planning agency, the local government shall give 15 days'
20 notice and schedule a public hearing to consider the change
21 that the developer asserts does not create a substantial
22 deviation. This public hearing shall be held within 90 days
23 after submittal of the proposed changes, unless that time is
24 extended by the developer.

25 4. The appropriate regional planning agency or the
26 state land planning agency shall review the proposed change
27 and, no later than 45 days after submittal by the developer of
28 the proposed change, unless that time is extended by the
29 developer, and prior to the public hearing at which the
30 proposed change is to be considered, shall advise the local
31 government in writing whether it objects to the proposed

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1 change, shall specify the reasons for its objection, if any,
2 and shall provide a copy to the developer. ~~A change which is~~
3 ~~subject to the substantial deviation criteria specified in~~
4 ~~sub-subparagraph (e)5.c. shall not be subject to this~~
5 ~~requirement.~~

6 5. At the public hearing, the local government shall
7 determine whether the proposed change requires further
8 development-of-regional-impact review. The provisions of
9 paragraphs (a) and (e), the thresholds set forth in paragraph
10 (b), and the presumptions set forth in paragraphs (c) and (d)
11 and subparagraph (e)3.~~subparagraphs (e)1. and 3.~~ shall be
12 applicable in determining whether further
13 development-of-regional-impact review is required.

14 6. If the local government determines that the
15 proposed change does not require further
16 development-of-regional-impact review and is otherwise
17 approved, or if the proposed change is not subject to a
18 hearing and determination pursuant to subparagraphs 3. and 5.
19 and is otherwise approved, the local government shall issue an
20 amendment to the development order incorporating the approved
21 change and conditions of approval relating to the change. The
22 decision of the local government to approve, with or without
23 conditions, or to deny the proposed change that the developer
24 asserts does not require further review shall be subject to
25 the appeal provisions of s. 380.07. However, the state land
26 planning agency may not appeal the local government decision
27 if it did not comply with subparagraph 4. The state land
28 planning agency may not appeal a change to a development order
29 made pursuant to subparagraph (e)1. or subparagraph (e)2. for
30 developments of regional impact approved after January 1,
31 1980, unless the change would result in a significant impact

1 to a regionally significant archaeological, historical, or
2 natural resource not previously identified in the original
3 development-of-regional-impact review.

4 (24) STATUTORY EXEMPTIONS.--

5 (i) Any proposed facility for the storage of any
6 petroleum product or any expansion of an existing facility is
7 exempt from the provisions of this section, if the facility is
8 consistent with a local comprehensive plan that is in
9 compliance with s. 163.3177 or is consistent with a
10 comprehensive port master plan that is in compliance with s.
11 163.3178.

12 (j) Any renovation or redevelopment within the same
13 land parcel which does not change land use or increase density
14 or intensity of use.

15 (k)1. Any proposal to increase development at a
16 waterport or marina existing on the effective date of this act
17 or any new waterport or marina development is exempt from the
18 provisions of this section, unless located within a county
19 identified in s. 370.12(2)(f).

20 2. Any waterport or marina development located within
21 a county identified in s. 370.12(2)(f) is exempt from the
22 provisions of this section if such county has adopted marina
23 siting policies into the coastal management or land use
24 element of its comprehensive plan. Such policies must be
25 transmitted by December 31, 2003, and must be adopted prior to
26 or within 1 year after the transmittal of the policies to the
27 state land planning agency. If no such policies are adopted
28 into the comprehensive plan by December 31, 2003, any increase
29 or new development in such county shall be exempt from the
30 provisions of this section. The adoption of marina siting
31 policies into the comprehensive plan is exempt from the

1 provisions of s. 163.3187(1). Any subsequent change to a
2 marina siting policy shall be treated as a small scale
3 development amendment as defined in s. 163.3187(1)(c). Prior
4 to the adoption of marina siting policies or December 31,
5 2004, the current standards and thresholds provided for in
6 subparagraph (19)(b)8. and s. 380.0651(3)(e) are applicable.

7 (25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.--

8 (n) After a development order approving an areawide
9 development plan is received, changes shall be subject to the
10 provisions of subsection (19), except that the percentages and
11 numerical criteria shall be double those listed in paragraph
12 (19)(b) and the extension of the date of buildout of a
13 development, or any phase thereof, by less than 10 years shall
14 not create a substantial deviation.

15 Section 7. Paragraphs (d) and (f) of subsection (3) of
16 section 380.0651, Florida Statutes, are amended to read:

17 380.0651 Statewide guidelines and standards.--

18 (3) The following statewide guidelines and standards
19 shall be applied in the manner described in s. 380.06(2) to
20 determine whether the following developments shall be required
21 to undergo development-of-regional-impact review:

22 (d) Office development.--Any proposed office building
23 or park operated under common ownership, development plan, or
24 management that:

25 1. Encompasses 300,000 or more square feet of gross
26 floor area; or

27 2. ~~Has a total site size of 30 or more acres; or~~

28 3. Encompasses more than 600,000 square feet of gross
29 floor area in a county with a population greater than 500,000
30 and only in a geographic area specifically designated as
31 highly suitable for increased threshold intensity in the

1 approved local comprehensive plan and in the strategic
2 regional policy plan.

3 (f) Retail and service development.--Any proposed
4 retail, service, or wholesale business establishment or group
5 of establishments which deals primarily with the general
6 public onsite, operated under one common property ownership,
7 development plan, or management that:

8 1. Encompasses more than 400,000 square feet of gross
9 area; or

10 2. ~~Occupies more than 40 acres of land; or~~

11 ~~3. Provides parking spaces for more than 2,500 cars.~~

12 Section 8. Section 235.1851, Florida Statutes, is
13 created to read:

14 235.1851 Educational facilities benefit districts.--

15 (1) It is the intent of the Legislature to encourage
16 and authorize public cooperation among district school boards,
17 affected local general purpose governments, and benefited
18 private interests in order to implement financing for timely
19 construction and maintenance of school facilities, including
20 facilities identified in individual district facilities work
21 programs or proposed by charter schools. It is the further
22 intent of the Legislature to provide efficient alternative
23 mechanisms and incentives to allow for sharing costs of
24 educational facilities necessary to accommodate new growth and
25 development among public agencies, including district school
26 boards, affected local general purpose governments, and
27 benefited private development interests.

28 (2) The Legislature hereby authorizes the creation of
29 educational facilities benefit districts pursuant to
30 interlocal cooperation agreements between a district school
31 board and all local general purpose governments within whose

1 jurisdiction a district is located. The purpose of
2 educational facilities benefit districts is to assist in
3 financing the construction and maintenance of educational
4 facilities.

5 (3)(a) An educational facilities benefit district may
6 be created pursuant to this act and chapters 125, 163, 166,
7 and 189. An educational facilities benefit district charter
8 may be created by a county or municipality by entering into an
9 interlocal agreement, as authorized by s. 163.01, with the
10 district school board and any local general purpose government
11 within whose jurisdiction a portion of the district is located
12 and adoption of an ordinance that includes all provisions
13 contained within s. 189.4041. The creating entity shall be
14 the local general purpose government within whose boundaries a
15 majority of the educational facilities benefit district's
16 lands are located.

17 (b) Creation of any educational facilities benefit
18 district shall be conditioned upon the consent of the district
19 school board, all local general purpose governments within
20 whose jurisdiction any portion of the educational facilities
21 benefit district is located, and all landowners within the
22 district. The membership of the governing board of any
23 educational facilities benefit district shall include
24 representation of the district school board, each cooperating
25 local general purpose government, and the landowners within
26 the district. In the case of an educational facilities
27 benefit district's decision to create a charter school, the
28 board of directors of the charter school may constitute the
29 members of the governing board for the educational facilities
30 benefit district.

31 (4) The educational facilities benefit district shall

1 have, and its governing board may exercise, the following
2 powers:

3 (a) To finance and construct educational facilities
4 within the district's boundaries.

5 (b) To sue and be sued in the name of the district; to
6 adopt and use a seal and authorize the use of a facsimile
7 thereof; to acquire, by purchase, gift, devise, or otherwise,
8 and to dispose of real and personal property or any estate
9 therein; and to make and execute contracts and other
10 instruments necessary or convenient to the exercise of its
11 powers.

12 (c) To contract for the services of consultants to
13 perform planning, engineering, legal, or other appropriate
14 services of a professional nature. Such contracts shall be
15 subject to the public bidding or competitive negotiations
16 required of local general purpose governments.

17 (d) To borrow money and accept gifts; to apply for
18 unused grants or loans of money or other property from the
19 United States, the state, a unit of local government, or any
20 person for any district purposes and enter into agreements
21 required in connection therewith; and to hold, use, and
22 dispose of such moneys or property for any district purposes
23 in accordance with the terms of the gift, grant, loan, or
24 agreement relating thereto.

25 (e) To adopt resolutions and polices prescribing the
26 powers, duties, and functions of the officers of the district,
27 the conduct of the business of the district, and the
28 maintenance of records and documents of the district.

29 (f) To maintain an office at such place or places as
30 it may designate within the district or within the boundaries
31 of the local general purpose government that created the

1 district.

2 (g) To lease as lessor or lessee to or from any
3 person, firm, corporation, association, or body, public or
4 private, any projects of the type that the district is
5 authorized to undertake and facilities or property of any
6 nature for use of the district to carry out any of the
7 purposes authorized by this act.

8 (h) To borrow money and issue bonds, certificates,
9 warrants, notes, or other evidence of indebtedness pursuant to
10 this act for periods not longer than 30 years, provided such
11 bonds, certificates, warrants, notes, or other indebtedness
12 shall only be guaranteed by non-ad valorem assessments legally
13 imposed by the district and other available sources of funds
14 provided in this act and shall not pledge the full faith and
15 credit of any local general purpose government or the district
16 school board.

17 (i) To cooperate with or contract with other
18 governmental agencies as may be necessary, convenient,
19 incidental, or proper in connection with any of the powers,
20 duties, or purposes authorized by this act and to accept
21 funding from local and state agencies as provided in this act.

22 (j) To levy, impose, collect, and enforce non-ad
23 valorem assessments, as defined by s. 197.3632(1)(d), pursuant
24 to this act, chapters 125 and 166, and ss. 197.3631, 197.3632,
25 and 197.3635.

26 (k) To exercise all powers necessary, convenient,
27 incidental, or proper in connection with any of the powers,
28 duties, or purposes authorized by this act.

29 (5) As an alternative to the creation of an
30 educational facilities benefit district, the Legislature
31 hereby recognizes and encourages the consideration of

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1 community development district creation pursuant to chapter
2 190 as a viable alternative for financing the construction and
3 maintenance of educational facilities as described in this
4 act. Community development districts are hereby granted the
5 authority to determine, order, levy, impose, collect, and
6 enforce non-ad valorem assessments for such purposes pursuant
7 to this act and chapters 170, 190, and 197. This authority is
8 in addition to any authority granted community development
9 districts under chapter 190. Community development districts
10 are therefore deemed eligible for the financial enhancements
11 available to educational facilities benefit districts
12 providing for financing the construction and maintenance of
13 educational facilities pursuant to s. 235.1852. In order to
14 receive such financial enhancements, a community development
15 district must enter into an interlocal agreement with the
16 district school board and affected local general purpose
17 governments that specifies the obligations of all parties to
18 the agreement. Nothing in this act or in any interlocal
19 agreement entered into pursuant to this act shall require any
20 change in the method of election of a board of supervisors of
21 a community development district provided in chapter 190.

22 Section 9. Section 235.1852, Florida Statutes, is
23 created to read:

24 235.1852 Local funding for educational facilities
25 benefit districts or community development districts.--Upon
26 confirmation by a district school board of the commitment of
27 revenues by an educational facilities benefit district or
28 community development district necessary to construct and
29 maintain an educational facility contained within an
30 individual district facilities work program or proposed by an
31 approved charter school or a charter school applicant, the

1 following funds shall be provided to the educational
2 facilities benefit district or community development district
3 annually, beginning with the next fiscal year after
4 confirmation until the district's financial obligations are
5 completed:

6 (1) All educational facilities impact fee revenue
7 collected for new development within the educational
8 facilities benefit district or community development district.
9 Funds provided under this subsection shall be used to fund the
10 construction and capital maintenance costs of educational
11 facilities.

12 (2) For construction and capital maintenance costs not
13 covered by the funds provided under subsection (1), an annual
14 amount contributed by the district school board equal to
15 one-half of the remaining costs of construction and capital
16 maintenance of the educational facility. Any construction
17 costs above the cost-per-student criteria established for the
18 SIT Program in s. 235.216(2) shall be funded exclusively by
19 the educational facilities benefit district or the community
20 development district. Funds contributed by a district school
21 board shall not be used to fund operational costs.

22
23 Educational facilities funded pursuant to this act may be
24 constructed on land that is owned by any person after the
25 district school board has acquired from the owner of the land
26 a long-term lease for the use of this land for a period of not
27 less than 40 years or the life expectancy of the permanent
28 facilities constructed thereon, whichever is longer. All
29 interlocal agreements entered into pursuant to this act shall
30 provide for ownership of educational facilities funded
31 pursuant to this act to revert to the district school board if

1 such facilities cease to be used for public educational
2 purposes prior to 40 years after construction or prior to the
3 end of the life expectancy of the educational facilities,
4 whichever is longer.

5 Section 10. Section 235.1853, Florida Statutes, is
6 created to read:

7 235.1853 Educational facilities benefit district or
8 community development district facility utilization.--The
9 student population of all facilities funded pursuant to this
10 act shall reflect the racial balance of the school district
11 pursuant to state and federal law. However, to the extent
12 allowable pursuant to state and federal law, the interlocal
13 agreement providing for the establishment of the educational
14 facilities benefit district or the interlocal agreement
15 between the community development district and the district
16 school board and affected local general purpose governments
17 may provide for the district school board to establish school
18 attendance zones that allow students residing within a
19 reasonable distance of facilities financed through the
20 interlocal agreement to attend such facilities.

21 Section 11. Paragraph (c) of subsection (1) of
22 163.3187, Florida Statutes, is amended to read:

23 163.3187 Amendment of adopted comprehensive plan.--

24 (1) Amendments to comprehensive plans adopted pursuant
25 to this part may be made not more than two times during any
26 calendar year, except:

27 (c) Any local government comprehensive plan amendments
28 directly related to proposed small scale development
29 activities may be approved without regard to statutory limits
30 on the frequency of consideration of amendments to the local
31 comprehensive plan. A small scale development amendment may

1 be adopted only under the following conditions:

2 1. The proposed amendment involves a use of 10 acres
3 or fewer and:

4 a. The cumulative annual effect of the acreage for all
5 small scale development amendments adopted by the local
6 government shall not exceed:

7 (I) A maximum of 120 acres in a local government that
8 contains areas specifically designated in the local
9 comprehensive plan for urban infill, urban redevelopment, or
10 downtown revitalization as defined in s. 163.3164, urban
11 infill and redevelopment areas designated under s. 163.2517,
12 transportation concurrency exception areas approved pursuant
13 to s. 163.3180(5), or regional activity centers and urban
14 central business districts approved pursuant to s.
15 380.06(2)(e); however, amendments under this paragraph may be
16 applied to no more than 60 acres annually of property outside
17 the designated areas listed in this sub-sub-subparagraph.

18 (II) A maximum of 80 acres in a local government that
19 does not contain any of the designated areas set forth in
20 sub-sub-subparagraph (I).

21 (III) A maximum of 120 acres in a county established
22 pursuant to s. 9, Art. VIII of the State Constitution.

23 b. The proposed amendment does not involve the same
24 property granted a change within the prior 12 months.

25 c. The proposed amendment does not involve the same
26 owner's property within 200 feet of property granted a change
27 within the prior 12 months.

28 d. The proposed amendment does not involve a text
29 change to the goals, policies, and objectives of the local
30 government's comprehensive plan, but only proposes a land use
31 change to the future land use map for a site-specific small

1 scale development activity.

2 e. The property that is the subject of the proposed
3 amendment is not located within an area of critical state
4 concern, unless the project subject to the proposed amendment
5 involves the construction of affordable housing units meeting
6 the criteria of s. 420.0004(3), and is located within an area
7 of critical state concern designated by s. 380.0552 or by the
8 Administration Commission pursuant to s. 380.05(1). Such
9 amendment is not subject to the density limitations of
10 sub-subparagraph f., and shall be reviewed by the state land
11 planning agency for consistency with the principles for
12 guiding development applicable to the area of critical state
13 concern where the amendment is located and shall not become
14 effective until a final order is issued under s. 380.05(6).

15 f. If the proposed amendment involves a residential
16 land use, the residential land use has a density of 10 units
17 or less per acre, except that this limitation does not apply
18 to small scale amendments described in sub-sub-subparagraph
19 a.(I) that are designated in the local comprehensive plan for
20 urban infill, urban redevelopment, or downtown revitalization
21 as defined in s. 163.3164, urban infill and redevelopment
22 areas designated under s. 163.2517, transportation concurrency
23 exception areas approved pursuant to s. 163.3180(5), or
24 regional activity centers and urban central business districts
25 approved pursuant to s. 380.06(2)(e).

26 2.a. A local government that proposes to consider a
27 plan amendment pursuant to this paragraph is not required to
28 comply with the procedures and public notice requirements of
29 s. 163.3184(15)~~(e)~~ for such plan amendments if the local
30 government complies with the provisions in s. 125.66(4)(a) for
31 a county or in s. 166.041(3)(c) for a municipality. If a

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1 request for a plan amendment under this paragraph is initiated
2 by other than the local government, public notice is required.

3 b. The local government shall send copies of the
4 notice and amendment to the state land planning agency, the
5 regional planning council, and any other person or entity
6 requesting a copy. This information shall also include a
7 statement identifying any property subject to the amendment
8 that is located within a coastal high hazard area as
9 identified in the local comprehensive plan.

10 3. Small scale development amendments adopted pursuant
11 to this paragraph require only one public hearing before the
12 governing board, which shall be an adoption hearing as
13 described in s. 163.3184(7), and are not subject to the
14 requirements of s. 163.3184(3)-(6) unless the local government
15 elects to have them subject to those requirements.

16 Section 12. Subsection (4) of section 189.415, Florida
17 Statutes, is amended to read:

18 189.415 Special district public facilities report.--

19 (4) Those special districts building, improving, or
20 expanding public facilities addressed by a development order
21 issued to the developer pursuant to s. 380.06 may use the most
22 recent biennial ~~annual~~ report required by s. 380.06(15) and
23 (18) and submitted by the developer, to the extent the annual
24 report provides the information required by subsection (2).

25 Section 13. (1) Nothing contained in this act
26 abridges or modifies any vested or other right or any duty or
27 obligation pursuant to any development order or agreement that
28 is applicable to a development of regional impact on the
29 effective date of this act. A development that has received a
30 development-of-regional-impact development order pursuant to
31 s. 380.06, Florida Statutes, but is no longer required to

1 undergo development-of-regional-impact review by operation of
2 this act, shall be governed by the following procedures:

3 (a) The development shall continue to be governed by
4 the development-of-regional-impact development order and may
5 be completed in reliance upon and pursuant to the development
6 order. The development-of-regional-impact development order
7 may be enforced by the local government as provided by ss.
8 380.06(17) and 380.11, Florida Statutes.

9 (b) If requested by the developer or landowner, the
10 development-of-regional-impact development order may be
11 abandoned pursuant to the provisions of s. 380.06(26), Florida
12 Statutes.

13 (2) A development with an application for development
14 approval pending, and determined sufficient pursuant to s.
15 380.06(10), Florida Statutes, on the effective date of this
16 act, or a notification of proposed change pending on the
17 effective date of this act, may elect to continue such review
18 pursuant to s. 380.06, Florida Statutes. At the conclusion of
19 the pending review, including any appeals pursuant to s.
20 380.07, Florida Statutes, the resulting development order
21 shall be governed by the provisions of subsection (1).

22 Section 14. This act shall take effect upon becoming a
23 law.

24
25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Remove everything before the enacting clause

29
30 and insert:

31 A bill to be entitled

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1 An act relating to growth management; amending
2 s. 163.01, F.S.; revising filing requirements
3 for interlocal agreements; providing for filing
4 with the clerk of the circuit court in the
5 county where the administrative entity
6 maintains its business; providing for evidence
7 of filing in counties where other parties are
8 located; amending s. 163.3177, F.S.; revising
9 provisions governing regulation of intensity of
10 use; requiring certain local governments to
11 prepare an inventory of service delivery
12 interlocal agreements; requiring local
13 governments to provide the Legislature with
14 recommendations regarding annexation; amending
15 s. 163.3180, F.S.; providing for the waiver of
16 concurrency requirements; amending s. 163.3184,
17 F.S.; revising definitions; revising provisions
18 governing the process for adopting
19 comprehensive plans and plan amendments;
20 amending s. 380.04, F.S.; revising the
21 definition of "development" with regard to
22 operations that do not involve development to
23 include federal interstate highways and the
24 transmission of electricity; amending s.
25 380.06, F.S., relating to developments of
26 regional impact; removing a rebuttable
27 presumption with respect to application of the
28 statewide guidelines and standards and revising
29 the fixed thresholds; providing for designation
30 of a lead regional planning council; providing
31 for submission of biennial, rather than annual,

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1 reports by the developer; authorizing
2 submission of a letter, rather than a report,
3 under certain circumstances; providing for
4 amendment of development orders with respect to
5 report frequency; revising provisions governing
6 substantial deviation standards for
7 developments of regional impact; providing that
8 an extension of the date of buildout of less
9 than a specified number of years is not a
10 substantial deviation; providing that certain
11 renovation or redevelopment of a previously
12 approved development of regional impact is not
13 a substantial deviation; providing a statutory
14 exemption from the
15 development-of-regional-impact process for
16 petroleum storage facilities, certain
17 renovation or redevelopment, and certain
18 waterport or marina development; amending s.
19 380.0651, F.S.; revising the guidelines and
20 standards for office development, and retail
21 and service development; creating s. 235.1851,
22 F.S.; providing legislative intent; authorizing
23 the creation of educational facilities benefit
24 districts pursuant to interlocal agreement;
25 providing for creation of an educational
26 facilities benefit district through adoption of
27 an ordinance; specifying content of such
28 ordinances; providing for the creating entity
29 to be the local general purpose government
30 within whose boundaries a majority of the
31 educational facilities benefit district's lands

1 are located; providing that educational
2 facilities benefit districts may only be
3 created with the consent of the district school
4 board, all affected local general purpose
5 governments, and all landowners within the
6 district; providing for the membership of the
7 governing boards of educational facilities
8 benefit districts; providing the powers of
9 educational facilities benefit districts;
10 authorizing community development districts,
11 created pursuant to ch. 190, F.S., to be
12 eligible for financial enhancements available
13 to educational facilities benefit districts;
14 conditioning such eligibility upon the
15 establishment of an interlocal agreement;
16 creating s. 235.1852, F.S.; providing funding
17 for educational facilities benefit districts
18 and community development districts; creating
19 s. 235.1853, F.S.; providing for the
20 utilization of educational facilities built
21 pursuant to this act; amending ss. 163.3187 and
22 189.415, F.S.; conforming cross references;
23 providing application with respect to
24 developments that have received a
25 development-of-regional-impact development
26 order or that have an application for
27 development approval or notification of
28 proposed change pending; providing an effective
29 date.
30
31