The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1244
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Community Affairs Committee; and Senator Lee
SUBJECT:	Growth Management
DATE:	February 28 , 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Fav/CS**
4.	Cochran	Phelps	RC	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1244 amends provisions related to existing development of regional impact (DRI) development orders. The DRI program ended in 2015, but existing development orders continue to exist. The bill repeals provisions related to the state land planning agency's (Department of Economic Opportunity) role in the process and shifts the remaining responsibilities to local governments. Specifically, the bill:

- Repeals obsolete language for the application and review of DRIs;
- Changes the process for existing DRIs to amend a development order;
- Retains current statewide guidelines and standards for determining when a development is subject to state coordinated review;
- Updates reporting requirements;
- Preserves certain unexpired letters, development orders, and agreements;
- Ends all DRI appeals to the Administration Commission except decisions by local governments under the DRI abandonment process;
- Repeals state land planning agency rules related to DRIs and Administration Commission rules related to aggregation of developments for the purpose of DRI review; and
- Repeals the Florida Quality Developments (FQD) program and requires FQD development orders to be replaced by local government development orders.

The bill adds a requirement for an independent special district to commence a municipal conversion – that the independent special district has a minimum population, depending on the population of the county in which the district is located.

- The Department of Economic Opportunity will incur less expenses related to the DRI process.

The bill is effective upon becoming law.

II. Present Situation:

Development of Regional Impact

A development of regional impact (DRI) is defined in s. 380.06, F.S., as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The DRI program provided a lengthy and complicated review process for proposed projects that was largely duplicated by the successor comprehensive planning review process.

Comprehensive planning was first required by law in 1975. However, the Growth Management Act of 1985 is considered the watershed law that brought truly modern planning requirements into force. In recognition of this fact, the Environmental Land Management Study Committee in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) that is required to be included in local comprehensive plans.[1] After much controversy, this recommendation was not implemented, and the DRI program continued in its previous form.

In 2015, the Florida Legislature eliminated the requirement that new developments be reviewed pursuant to the DRI process. Instead, the Legislature directed that proposed developments only need to comply with the requirements of the State Coordinated Review Process for the review of local government comprehensive plan amendments.[2]

DRI Review

Before the program ended, all developments that met the DRI thresholds and standards provided by statute[3] and rules adopted by the Administration Commission[4] were required to undergo DRI review, unless the Legislature provided an exemption for that particular type of project or for the planning area in which the development was located (such as a sector plan or a rural land stewardship area) or unless the development was located within a "dense urban land area."[5] The

[1] *See* Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.
[2] Section 380.06(30), F.S. Chapter 2015-30, L.O.F.
[3] Section 380.0651, F.S.
[4] Chapter 28-24, F.A.C.
[5] The criteria for qualification as a dense urban land area are contained in s. 380.06(29), F.S. Currently, eight counties and 243 cities qualify as dense urban land areas that are exempt from the DRI program.

types of developments required to undergo DRI review upon meeting the specified thresholds and standards included attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, and recreational vehicle developments.[6] Over the years, the Legislature enacted many exemptions and increased the thresholds that projects must have surpassed in order to trigger DRI review.

Florida's 11 regional planning councils (RPC) coordinated the multi-agency review of proposed DRIs. A DRI review began by a developer contacting the RPC with jurisdiction over a proposed development to arrange a pre-application conference.[7] The developer or the RPC could request other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of information that each agency would require in the application to assess those issues. At the pre-application conference, the RPC provided the developer with information about the DRI process and coordinated the identification of issues and the appropriate state and local agency requirements.

Upon completion of the pre-application conference with all parties, the developer filed an application for development approval with the local government, the RPC, and the state land planning agency (the Department of Economic Opportunity). The RPC reviewed the application for sufficiency and could request additional information (no more than twice, unless waived by the developer) if the application was deemed insufficient.[8]

When the RPC determined that the application was sufficient or the developer declined to provide additional information, the local government had to hold a public hearing on the application for development within 90 days.[9] Within 50 days after receiving notice of the public hearing, the RPC was required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.[10] The RPC was required to identify regional issues specifically examining the extent to which:

- The development would have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
- The development would significantly impact adjacent jurisdictions; and
- While reviewing the first two issues, the development would favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.[11]

If the proposed project would have impacts within the purview of other state agencies, those agencies would also prepare reports and recommendations on the issues raised by the project and within their statutorily-prescribed jurisdictions. These reports became part of the RPC's report, but the RPC could attach dissenting views.[12] When water management district (WMD) and Department of Environmental Protection (DEP) permits had been issued pursuant to ch. 373,

[6] Section 380.0651, F.S.
[7] Section 380.06(7), F.S.
[8] Section 380.06(10), F.S.
[9] Section 380.06(11), F.S.
[10] Section 380.06(12), F.S.
[11] Section 380.06(12)(a), F.S.
[12] Section 380.06(12)(c), F.S.

F.S., or ch. 403, F.S., the RPC could comment on the regional implications of the permits but could not offer conflicting recommendations.[13] Finally, the state land planning agency also reviewed DRIs for compliance with state laws, to identify regional and state impacts, and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.[14]

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI had to be heard as well. When considering whether the development must be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considered the extent to which:

- The development was consistent with the local government's comprehensive plan and land development regulations;
- The development was consistent with the report and recommendations of the RPC; and
- The development was consistent with the state comprehensive plan.[15]

Within 30 days of the public hearing on the application for development approval, the local government had to decide whether to issue a development order or not.[16] Within 45 days after a development order was or was not rendered, the owner or developer of the property or the state land planning agency could appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[17] An "aggrieved or adversely affected party" could appeal and challenge the consistency of a development order with the local comprehensive plan.[18]

Completion of this entire process could take one to two years and require the expenditure of significant resources, both on the part of private developers and state agencies.

Substantial Deviation[19]

After a development order was issued, any proposed change to a previously approved DRI development order that created a reasonable likelihood of additional regional impact or any type of regional impact created by the change not previously reviewed by the regional planning agency, constituted a "substantial deviation" and required such proposed change to be subject to further DRI review. The process to amend DRIs still applies to existing DRIs that received local government development orders prior to July 1, 2015, and that have not been abandoned or rescinded.[20] The statute sets forth criteria and situations to determine whether a proposed change requires further DRI review, including:

- Certain threshold criteria beyond which a change constitutes a substantial deviation;
- Certain changes in development that do not amount to a substantial deviation;
- Scenarios in which a substantial deviation is presumed; and

[13] *Id*.
[14] *See* Senate Interim Report 2012-114. *The Development of Regional Impact Process*. Sept. 2011.
[15] Section 380.06(13) and (14), F.S. DRIs located in areas of critical state concern must also comply with the land development regulations in s. 380.05, F.S.
[16] Section 380.06(15), F.S.
[17] Section 380.07(2), F.S.
[18] Section 163.3215, F.S.
[19] Section 380.06(19), F.S.
[20] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

- Scenarios in which a change is presumed not to create a substantial deviation.

The DEO (state land planning agency) has adopted rules setting standard forms for submittal of proposed changes to a previously approved DRI development order. At a minimum, the form requires the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order. The developer must submit the form to the local government, the regional planning agency, and the DEO.

After the developer submits the form, the appropriate regional planning agency or the DEO reviews the proposed change. No later than 45 days after submittal of the form, the DEO advises the local government in writing whether the DEO objects to the proposed change, specifying the reasons for the objection if applicable, and provides a copy to the developer.

The local government schedules a public hearing with 15 days' notice to consider the change. This public hearing is held within 60 days after submittal of the proposed change, unless the developer requests to extend the time.

At the public hearing, the local government determines whether the proposed change requires further DRI review based on the thresholds and standards set out in law. The local government can deny the proposed change based on matters relating to local issues.

If the local government determines that the proposed change does not require further DRI review and is otherwise approved, the local government issues an amendment to the development order incorporating the approved change and conditions of approval relating to the change. If, however, the local government determines that proposed change requires further DRI review, the local government determines whether to approve, approve with conditions, or deny the proposed change as it related to the entire development.

DRI Exemptions

Over the years, the DRI program was amended to include a number of exemptions. The following list of exemptions is not exhaustive, but illustrates the number and variety of the exemptions from the DRI program that were enacted:[21]

- Certain projects that created at least 100 jobs that met certain qualifications – 1997;
- Certain expansions to port harbors, certain port transportation facilities, and certain intermodal transportation facilities – 1999;
- The thresholds used to identify projects subject to the program were increased by 150 percent for development in areas designated as rural areas of critical economic concern (now known as rural areas of opportunity) – 2001;
- Certain proposed facilities for the storage of any petroleum product or certain expansions of existing petroleum product storage facilities – 2002;
- Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use – 2002;
- Certain water port or marina developments – 2002; and

[21] Section 360.06(24), F.S.

- The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S. – 2005.

In 2009, the Legislature enacted the most significant exemption from the DRI program: the exemption for Dense Urban Land Areas (DULAs).[22] In 2015, 8 counties and 243 cities qualified as DULAs. This meant that all projects within those counties and cities were exempted from the DRI program. The areas qualifying as DULAs accounted for more than half of Florida's population.[23]

Comprehensive Plans and the Comprehensive Plan Amendment Process

The Growth Management Act of 1985 required every city and county to create and implement a comprehensive plan to guide future development.[24] A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.[25] The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies, including the Department of Economic Opportunity (DEO) (as the state land planning agency), the relevant RPC, and adjacent local governments that request to participate in the review process.[26]

The state and regional agencies review the proposed amendment for impacts related to their statutory purviews. The RPC reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.[27] The DEO compiles reports from the various involved agencies and issues an Objections, Recommendation, and Comments Report, which consolidates the reports received.[28] Upon receipt of the consolidated report, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the DEO for final review.[29] The DEO then has either 31 days or 45 days (depending on the review

[22] Chapter 2009-96, L.O.F.
[23] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Community Planning Table of Contents: List of Local Governments Qualifying as Dense Urban Land Areas*. (June 11, 2015). Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/list-of-local-governments-qualifying-as-dense-urban-land-areas (last visited February 3, 2018).
[24] Chapter 1985-55, L.O.F.
[25] Section 163.3174(4)(a), F.S.
[26] Section 163.3184, F.S.
[27] Section 163.3184(3)(b)3.a., F.S.
[28] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes*. Available at http://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes (last visited February 3, 2018).
[29] Section 163.3184(3)(c)4. and (4)(e)4., F.S.

process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.[30]

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments.[31] Most plan amendments were placed into the Expedited State Review Process, while plan amendments related to large-scale developments were placed into the State Coordinated Review Process. The two processes operate in much the same way, however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.

Florida Quality Developments

Florida Quality Developments (FQDs) are DRI-sized projects that receive a Florida Quality Development designation if they meet certain statutory criteria.[32] The criteria is designed to enhance the a development, by, as example, protecting and preserving environmentally sensitive lands including wildlife habitat and wetlands; participating in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area; providing for construction and maintenance of all onsite infrastructure necessary to support the project; or including open space, recreation areas, Florida-friendly landscaping, and energy conservation.[33] An application for a FQD is handled in much the same way as an application for a DRI was processed prior to the 2015 statutory change. The DRI impact application form is used and an additional section is added to consider the FQD-specific requirements. The "DEO and the appropriate local government determine if a development has met the Florida Quality Development requirements. A finding of no designation may be appealed. Unlike developments of regional impact, development orders for Florida Quality Developments are issued by DEO, not by the local government."[34] According to the DEO, there are 18 developments designated as FQDs, the last of which was designated on June 9, 1999, and the last FQD development order was requested and issued in 2002.[35]

III. Effect of Proposed Changes:

Independent Special Districts

Under current law, the electors of an independent special district can petition the governing body of the district to commence a municipal conversion if the independent special district meets all of the following criteria:

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[30] *Id*.
[31] Chapter 2011-14, L.O.F. *See* s. 163.3184(3) and (4), F.S.
[32] Section 380.061, F.S. *See also* Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[33] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[34] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *General Information About Developments of Regional Impact and Florida Quality Developments*. Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/general-information (last visited February 3, 2018).
[35] *Id*. Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

- It was created by special act of the Legislature.
- It is designated as an improvement district, created pursuant to chapter 298, F.S., or is designated as a stewardship district, created pursuant to s. 189.031, F.S.
- Its governing board is elected and agrees to the conversion.
- It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities.
- No portion of the district is located within the jurisdictional limits of a municipality.

Section 1 amends s. 165.0615, F.S., to add a criterion requiring the independent special district to have a minimum population. If the independent special district is in a county that has a population of less than 75,000 people, then population of the independent special district must be a minimum of 1,500 people. If the county has more than 75,000 people, then the independent special district must have a minimum population of 5,000 people.

DRIs and FQD Development Orders

The bill repeals the current DRI and FQD development order provisions and shifts the remaining responsibilities of reviewing amendments to DRIs and FQD development orders from the RPCs and the DEO to the local governments.

Section 2 amends s. 380.06, F.S., to repeal the DRI process. The bill retains statewide guidelines and standards and exemptions for DRIs in effective as of the effective date of the bill for local governments to use them to determine whether a development is subject to the review process. These guidelines will remain in effect unless repealed by statute.[36]

This section also:

- Repeals provisions that are obsolete with the repeal of the DRI program by this bill.
- Maintains the thresholds that determine whether a development will be subject to review.
- Preserves the following letters and agreements that are unexpired as of the effective date of the bill: binding letters, "essentially built out" agreements, "capital contribution front loading agreements" between a developer and local government, any agreements between a local government and a developer to reimburse the developer for voluntary contributions paid in excess of his or her fair share, agreements related to projects that include more than one DRI, and area-wide DRI development orders.
- Authorizes local governments to amend a binding letter of vested rights pursuant to the local government's comprehensive plan and land development regulations upon request of the developer.
- Prohibits a local government from changing to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment, unless the local government can demonstrate certain information.
- Specifies that selection of a contractor or design professional by the developer for work related to the construction or expansion of a public facility that is undertaken as a condition of the development order, is not subject to competitive bidding or negotiation.

[36] Effectively the guidelines and standards will not be amended in the future because the bill repeals provisions directing the Administration Commission to adopt the guidelines and standards.

- Limits a local government from changing any credit for a development order exaction or fee granted to the developer when an amendment to the development order is adopted, when the credit against impact fees, mobility fees, or exactions are based upon the developer's contribution of land or a public facility.
- Adds mobility fees to the types of fees a developer can petition a local government to give the developer a credit against for any contribution when such fees are imposes or increased after a development order is issued.
- Requires a developer to follow any reporting requirements set by the local government with jurisdiction over the development and permits the local government to set penalties for failure to file required reports.[37]
- Requires any proposed change to a previously approved DRI to be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations, including but not limited to procedures for notice to the applicant and the public regarding issuance of development orders.[38] As under current law, a local government may approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved. There must be at least one public hearing on the proposed change to the development order, and the local governing body must approve any change before it becomes effective. Development within a portion of the DRI that is not directly affected by a proposed change can continue during the review of the proposed change, and review is limited to impacts created by the proposed change. Changes to extend a phase date, buildout date, expiration date, or termination date may also extend any required mitigation (which is consistent with current law). These provisions do not alter or limit any extension previously granted by statute.
- Provides that abandonment of a DRI development order shall be deemed to have occurred when the required notice of abandonment is filed with the county clerk. Local governments must issue an abandonment order if requested by a developer if all development that exists at the time of abandonment has been mitigated or will be mitigated pursuant to an existing permit enforceable through an administrative or judicial proceeding.
- Requires proposed developments that exceed the statewide guidelines and standards and are not otherwise exempt to be approved by a local government following the statewide coordinated review process in s. 163.3184(4), F.S. This does not apply to any application for a development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to the provisions of s. 380.06, F.S., as it existed on May 14, 2015. The election must be in writing and filed with the local government, regional planning council, and the DEO before December 31, 2018.

[37] Current law requires a biennial report submitted by the developer in alternate years as specified by the development order and sets a penalty of a temporary suspension of the development order as the penalty for failing to report. s. 380.06(18), F.S.
[38] This new provision for review of a change is applicable over any provision to the contrary in an existing development order, agreement, local comprehensive plan, or local land development regulation. The bill also changes the term "substantial deviation" to "changes."

Section 3 amends s. 380.061, F.S., to repeal the FQD program. FQD development orders in place prior to the effective date of the bill must be replaced by local government development orders, which will be subject to the DRI provisions discussed above in **Section 2**.

Section 4 amends s. 380.0651, F.S., to maintain the guidelines and standards formerly used for developments required to undergo DRI review. The guidelines and standards are retained to determine whether developments are subject to the DRI provisions discussed above in **Section 2**. Additionally, the statutory exemptions, partial statutory exemptions, and exemptions for DULAs from the DRI program are transferred from current s. 380.06, F.S., to s. 380.0651, F.S., so that the exemptions continue apply.[39]

Section 5 amends s. 380.07, F.S., to remove DRIs from the Florida Land and Water Adjudicatory Commission's (the Administration Commission) rulemaking authority and repeal related provisions. Under the bill, the state land planning agency may only challenge a local order *abandoning* a DRI; and appeals of development orders based upon consistency of the order with local comprehensive plans may only be made for development orders in areas of critical state concern.

Section 6 amends s. 380.115, F.S., to allow a development that has received a DRI development order but is no longer required to undergo DRI review to elect to rescind the development order pursuant to certain procedures. The local government issuing the development order must monitor the development and enforce the development order. The local government may not issue any permits or approvals or provide any service if the developer fails to act in substantial compliance with the development order.

Section 8 amends s. 163.3245, F.S., to continue to require a development subject to a master plan to remain subject to the master plan, unless the development order is abandoned or rescinded.

Section 10 amends s. 189.08, F.S., to allow a special district that is building, improving, or expanding public facilities addressed by a DRI development order to use the most recent report required by s. 380.06, F.S., to the extent needed to submit the special district's own public facilities report required by the statute (special district public facilities report).

Sections 7, 9, 11 – 18, 20, and 21 amend ss. 125.68, 163.3246, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524, F.S., to correct cross references and make conforming changes.

Section 19 repeals s. 380.065, F.S., which governed the certification of local government review of development.

Section 22 repeals the rules adopted by the DEO governing DRIs that are codified in ch. 73C-40, Florida Administrative Code. It also repeals rules adopted by the Administration Commission related to when two or more developments that are represented by their owners or developers to be separate developments are to be aggregated and treated as a single development.

[39] The exemptions are discussed above in the Present Situation.

Section 23 directs the Division of Law Revision and Information to replace the phrase "the effective date of this act" with the date the act takes effect.

Section 24 provides that the bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Local governments currently have responsibilities related to reviewing and administering development orders.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEO will have decreased responsibilities to review various processes for DRIs and FQDs. Many of these responsibilities have been transferred to local governments, which currently have responsibilities related to reviewing and administering development orders.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 165.0615, 380.06, 380.061, 380.0651, 380.07, 380.115, 125.68, 163.3245, 163.3246, 189.08, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524.

This bill repeals section 380.065 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on February 27, 2018:
The committee substitute:

- Clarifies that a local government may not change to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment.
- Restores current law, which allows a local government to approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved.
- Exempts certain proposed developments from being approved by a local government following the statewide coordinated review process in s. 163.3184(4), F.S. The exemption is for any application for a development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to the provisions of s. 380.06, F.S., as it existed on May 14, 2015. The election must be in writing and filed with the local government, regional planning council, and the DEO before December 31, 2018.

CS by Community Affairs on January 23, 2018:

- Reinserts language omitted in the moving of the DRI exemptions from one section to the other.
- Adds a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding.
- Makes technical wording changes.

B. Amendments:

None.