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A bill to be entitled

An act relating to developments of regional impact; amending s. 380.06, F.S.; specifying period of application of agency rules in effect at the time of application for development approval; providing for expiration of preliminary development agreements; providing relationship of development orders to requirements applicable to land development regulations implementing comprehensive plans; specifying conditions under which vested rights remain valid; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (5) and paragraph (d) is added to subsection (8) of section 380.06, Florida Statutes, and paragraph (e) of subsection (15) and paragraph (a) of subsection (20) of said section are amended, to read:

380.06 Developments of regional impact.--

(5) AUTHORIZATION TO DEVELOP.--

(c) The rules of permit agencies in effect when the application for development approval is deemed sufficient pursuant to subsection (10) shall apply to all development authorized in the development order for a period of 5 years from the effective date of the development order.

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.--

(d) Upon expiration of the appeal period of the development order, the preliminary agreement pursuant to this subsection shall become null and void.
(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

(e)1. Effective July 1, 1986, a local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Community Affairs and other state and regional agencies involved in the administration and
The implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.

4. The rendition of a development order which makes adequate provision for the public facilities needed to accommodate the impacts of the proposed development shall be deemed to satisfy the requirements of s. 163.3202(2)(g).

(20) VESTED RIGHTS.--Nothing in this section shall limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 498, by recording pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position and which registration or recording was accomplished, or which permit or authorization was issued, prior to July 1, 1973. If a developer has, by his actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(a) For the purpose of determining the vesting of rights under this subsection, approval pursuant to local subdivision plat law, ordinances, or regulations of a subdivision plat by formal vote of a county or municipal governmental body having jurisdiction after August 1, 1967, and prior to July 1, 1973, is sufficient to vest all property rights for the purposes of this subsection; and no action in reliance on, or change of position concerning, such local governmental approval is required for vesting to take place.
Anyone claiming vested rights under this paragraph must so notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, in order for the vested rights authorized pursuant to this subsection to remain valid after June 30, 1990, development must be commenced upon the property subject to the vested rights determination prior to that date any commencing-of-development-upon-which-there-has been-reliance-and-change-of-position-shall-vest-the applicant's rights until June 30, 1990. When the notification requirements have not been met, the vested rights authorized for this section shall expire June 30, 1986.

Section 2. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.
A bill to be entitled
An act relating to water management; amending
s. 373.036, F.S.; adding elements for
consideration by the Department of
Environmental Regulation in the formulation of
the state water use plan; amending s. 373.083,
F.S.; authorizing water management districts to
delegate certain powers and duties to local
governments; providing for district remedies as
an alternative to local enforcement of local
regulations; providing for consolidation of law
suits; amending ss. 373.109 and 403.182, F.S.,
relating to the authority of local governments
to set permit fees; amending ss. 373.016,
373.026, 373.033, 373.042, 373.044, 373.046,
373.103, 373.117, and 373.136, F.S., relating
to the Florida Water Resources Act of 1972;
providing for Department of Environmental
Regulation supervision of water management
districts; providing additional department
duties; providing responsibility of water
management districts, and deleting certain
department responsibility, with respect to
saltwater barrier lines, minimum surface water
flows and levels, and certification by a
professional engineer as a condition for
permitted activity; providing for certain
district rules relating to personnel matters;
authorizing the districts to enter into
interagency agreements; specifying additional
authority of the districts with respect to

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water resources; providing procedure for
district use of fines as a method of
enforcement; amending ss. 373.203, 373.206,
373.209, 373.217, 373.219, 373.223, 373.229,
373.235, 373.236, 373.239, 373.243, 373.246,
and 373.249, F.S., relating to consumptive uses
of water; providing responsibility of the water
management districts with respect to artesian
wells, implementation of consumptive use
permits, including requirements, conditions,
and applications therefor and duration,
modification, renewal, and revocation thereof,
and declaration of a water shortage or
emergency; deleting certain responsibility of
the department; amending ss. 373.303, 373.309,
373.313, 373.316, 373.319, 373.323, 373.326,
373.339, and 373.342, F.S., providing authority
of the water management districts relating to
the regulation of water wells; providing
responsibility of the districts, and deleting
certain department responsibility, with respect
to the construction, repair, abandonment, and
inspection of water wells, licensing of water
well contractors, and exemptions from
regulation; amending ss. 373.406, 373.409,
373.413, 373.414, 373.416, 373.419, 373.423,
373.426, 373.429, 373.433, 373.436, and
373.439, F.S., relating to the management and
storage of surface waters; providing
responsibility of the water management
districts, and deleting certain responsibility

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of the department, with respect to permits, inspections, and requirements for the construction, alteration, maintenance, operation, or abandonment of any dam, impoundment, reservoir, or appurtenant work or works, exemptions from or revocation of modification of permits, permitting criteria for dredging and filling in certain wetlands, and abatement actions and emergency measures; amending ss. 373.603 and 373.609, F.S.; specifying enforcement authority of, and requiring local enforcement assistance to, the water management districts; deleting reference to the department; amending s. 373.613, F.S.; providing procedure for district use of fines as a method of enforcement; repealing s. 373.043, F.S., relating to adoption and enforcement of regulations by the department; repealing s. 373.308, F.S., relating to department delegation to the districts of programs for regulating water wells; saving ss. 373.323-373.342, F.S., from Sunset repeal; saving ss. 373.073-373.103, F.S., from Sundown repeal; amending s. 373.106, F.S.; providing that construction of certain sewage treatment projects are within the exclusive jurisdiction of the Department of Environmental Regulation; amending s. 403.061, F.S.; providing additional powers and duties of the department; amending s. 403.121, F.S.; providing enforcement procedures; amending s. 253.665, F.S.;

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requiring the Board of Trustees of the Internal Improvement Trust Fund to adopt certain rules with respect to the grant of easements, licenses, and leases to riparian owners; authorizing the board to take certain review action; providing a procedure for the division of fees from the grant of easements, licenses, and leases; providing for future transfer of powers and duties relating to the Warren S. Henderson Wetlands Protection Act of 1984 to the water management districts; creating s. 373.0285, F.S.; directing water management districts to consolidate certain permitting criteria for dredging and filling in wetlands with the district's water management rules; amending ss. 378.503 and 403.265, F.S., to conform; amending and renumbering s. 403.813, F.S.; transferring responsibility for certain environmental permitting from the Department of Environmental Regulation to the water management districts; creating s. 373.104, F.S.; providing procedure for issuance of permits for district activities or projects by the department; providing a time frame; providing for a study to determine advisability of transferring other water programs to the water management districts; amending ss. 403.816 and 403.921, F.S.; correcting cross references; creating s. 373.1755, F.S.; providing legislative intent; requiring water management districts to adopt certain rules

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consolidating its rules relating to management
and storage of surface waters with rules for
the regulation of stormwater discharges;
amending s. 403.812, F.S.; conforming language
with respect to the delegation of functions by
the Department of Environmental Regulation to
water management districts; amending s.
161.041, F.S., relating to permits for coastal
construction; requiring permit conditions to be
consistent with certain assessments and
recommendations of the water management
district; amending s. 253.51, F.S.; providing
that where oil and gas leases involve certain
state lands, scientific assessments and
recommendations shall be binding in the
evaluation of the terms and conditions of the
lease; amending s. 378.402, F.S.; providing
legislative intent relating to duplication of
regulation for wetlands; amending ss. 378.503
and 378.603, F.S., relating to setting certain
reclamation performance standards for limestone
and other resources; amending ss. 403.851,
403.852, 403.855, 403.856, 403.857, 403.858,
403.859, 403.861, 403.863, 403.8635, and
403.864, F.S.; revising the Florida Safe
Drinking Water Act; providing responsibility of
the Department of Environmental Regulation for
operation of the state water supply program;
authorizing delegation of certain
responsibilities to county health departments
or local pollution control programs; providing

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for transfer of certain funds for delegated
programs; removing duties and responsibilities
of the Department of Health and Rehabilitative
Services with respect to plans for emergency
provision of water, water sampling and certain
inspections of property, establishment of
laboratories for analysis of water samples, the
state public water supply laboratory
certification program, and the public water
supply accounting program; repealing s.
403.862, F.S., relating to public water supply
duties and responsibilities of the Department
of Health and Rehabilitative Services; amending
s. 381.261, F.S., to conform; amending s.
380.06, F.S., relating to developments of
regional impact; revising provisions which
relate to conceptual agency review of
development approval concurrently with
development-of-regional-impact review;
providing procedure for the reviewing agency
and for development order adoption; directing
the Department of Community Affairs to revise
certain procedures; providing effective dates.

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

Section 1. Paragraphs (11) and (1) are added to
subsection (2) of section 373.036, Florida Statutes, to read:
373.036 State water use plan.--
12. In the formulation of the state water use plan,
the department shall give due consideration to:

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The promotion of both water conservation as an integral part of water management programs, rules, and plans and the use and reuse of water of the lowest acceptable quality for the purpose intended.

The development of innovative methods of water recycling, encouraged by incentives granted by the department.

Section 2. Section 373.083, Florida Statutes, is amended to read:

373.083 General powers and duties of the governing board.--

1. In addition to other powers and duties allowed it by law, the governing board is authorized to:
   (a) Contract with public agencies, private corporations, or other persons; sue and be sued; and appoint and remove agents and employees, including specialists and consultants.
   (b) Issue orders to implement or enforce any of the provisions of this chapter or regulations thereunder.
   (c) Make surveys and investigations of the water supply and resources of the district and cooperate with other governmental agencies in similar activities.

2. (a) The governing board is also authorized to delegate to a county or municipality, by rule, the power and duty to administer any of the statutes, rules, or regulations the district is authorized or required to administer, including those delegated by a state agency to the district, if the governing board determines that such a delegation is necessary or desirable. Such a delegation shall be made only if the governing board determines that the county's or municipality's program for administering the delegated statute, rule, or regulation:

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1. Provides by ordinance, regulation, or local law for requirements compatible with or stricter or more extensive than those imposed by the statute or the rules and regulations adopted pursuant thereto.

2. Provides for the enforcement of such requirements by appropriate administrative and judicial processes.

3. Provides for administrative organization, staff, and financial and other resources necessary to effectively and efficiently enforce such requirements.

(b) Nothing in this act shall prevent any county or municipal program from enforcing the county's or municipality's laws, ordinances, regulations, or orders. All remedies of the water management districts under this chapter shall be available as an alternative to local enforcement provisions, to each county or municipality to enforce any provision of law, ordinance, regulation, or order. When the water management district and a local program institute separate lawsuits against the same party for violation of a state or local law, rule, regulation, ordinance, or order arising out of the same act, the suits shall be consolidated when possible.

Section 3. Section 373.109, Florida Statutes, is amended to read:

373.109 Permit application fees.—When a water management district governing board implements a permit system under this chapter or one which has been delegated to it pursuant to s. 403.812, it may establish a schedule of fees for filing applications for the required permits. While such fees shall not exceed the cost to the district for processing the application, the fee charged may include the cost of monitoring the conditions placed on a permit according to a
schedule set in s. 403.087. However, permit fees shall not be
required from any governmental entity.

(1) All moneys received under the provisions of this
section shall be allocated for the use of the water management
district and shall be in addition to moneys otherwise
appropriated in any general appropriation act.

(2) The failure of any person to pay the fees
established hereunder constitutes grounds for revocation or
denial of his permit.

Nothing herein shall affect the authority of local governments
to establish fees relating to permits, including, but not
limited to, the authority to establish the amount of such
fees.

Section 4. Subsection (10) is added to section
403.182, Florida Statutes, to read:

403.182 Local pollution control programs.--
(10) Nothing herein shall affect the authority of
local governments to establish fees relating to permits,
including, but not limited to, the authority to establish the
amount of such fees.

Section 5. Subsection (3) of section 373.016, Florida
Statutes, is amended to read:

373.016 Declaration of policy.--
(3) The Legislature recognizes that the water resource
problems of the state vary from region to region, both in
magnitude and complexity. It is therefore the intent of the
Legislature to vest in the Department of Environmental
Regulation or its successor agency the power and
responsibility to accomplish the conservation, protection,
management, and control of the waters of the state and with

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sufficient flexibility and discretion to accomplish these ends through supervision of delegation of appropriate powers to the various water management districts. The department shall adopt and enforce such rules and review procedures as may be necessary or convenient to administer its supervisory role over the water management districts. The department may exercise any power herein authorized to be exercised by a water management district; however, to the greatest extent practicable, such power should be delegated to the governing board of a water management district.

Section 6. Subsection (7) of section 373.026, Florida Statutes, is amended, and subsections (10) and (11) are added to said section, to read:

373.026 General powers and duties of the department.-- The Department of Environmental Regulation, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046.

In addition to its other powers and duties, the department shall, to the greatest extent possible:

(7) Exercise general supervisory authority over all water management districts. The department may exercise any power herein authorized to be exercised by a water management district;

(10) Marshall the state's many research resources to aid the environmental decisionmaking process, and establish,
maintain and administer a statewide environmental resources data bank, and act as a clearing house for environmental information.

(11) Establish a research institute to design and administer a comprehensive research program on environmental issues of concern to the Legislature and state agencies. Universities, agencies, local governments, and private firms may be eligible, individually or cooperatively, to participate in the institute's research program. The program shall be funded by an annual transfer of 50 percent of the balance of the Florida Permit Fee Trust Fund described in s. 403.0871.

Section 7. Section 373.029, Florida Statutes, is renumbered as section 403.0623, Florida Statutes.

Section 8. Subsections (1), (2), (3), and (4) of section 373.033, Florida Statutes, are amended to read:

373.033 Saltwater barrier line.--

(1) The governing board of any water management district department may, at the request of the board of county commissioners of any county or the request of the governing board of any water management district, or any municipality or water district responsible for the protection of a public water supply, or, having determined by adoption of an appropriate resolution that saltwater intrusion has become a matter of emergency proportions, by its own initiative, establish generally along the seacoast, inland from the seashore and within the limits of the area within which the petitioning board has jurisdiction, a saltwater barrier line inland of which no canal shall be constructed or enlarged, and no natural stream shall be deepened or enlarged, which shall discharge into tidal waters without a dam, control structure or spillway at or seaward of the saltwater barrier line, which

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shall prevent the movement of salt water inland of the saltwater barrier line. Provided, however, that the governing board department is authorized, in cases where saltwater intrusion is not a problem, to waive the requirement of a barrier structure by specific permit to construct a canal crossing the saltwater barrier line without a protective device and provided, further that the agency petitioning for the establishment of the saltwater barrier line shall concur in the waiver.

(2) Application by a board of county commissioners or by the governing board of a water-management district, municipality or a water district for the establishment of a saltwater barrier line shall be made by adoption of an appropriate resolution, agreeing to:

(a) Reimburse the water management district department the cost of necessary investigation, including, but not limited to, subsurface exploration by drilling, to determine the proper location of the saltwater barrier line in that county or in all or part of the district over which the applying agency has jurisdiction.

(b) Require compliance with the provisions of this law by county or district forces under their control; by those individuals or corporations filing plats for record and by individuals, corporations or agencies seeking authority to discharge surface or subsurface drainage into tidal waters.

(3) The board of county commissioners of any county or the governing board of any water-management district, municipality or water district desiring to establish a saltwater barrier line is authorized to reimburse the water management district department for any expense entailed in making an investigation to determine the proper location of

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the saltwater barrier line, from any funds available to them for general administrative purposes.

(4) The department, any board of county commissioners, and the governing board of any water management district, municipality, or water district having competent jurisdiction over an area in which a saltwater barrier is established shall be charged with the enforcement of the provisions of this section, and authority for the maintenance of actions set forth in s. 373.129 shall apply to this section.

Section 9. Section 373.039, Florida Statutes, is renumbered as section 403.0618, Florida Statutes.

Section 10. Section 373.042, Florida Statutes, is amended to read,

373.042 Minimum flows and levels.—Within each section, or the water management district as a whole, the department or the governing board shall establish the following:

1. Minimum flow for all surface watercourses in the area. The minimum flow for a given watercourse shall be the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

2. Minimum water level. The minimum water level shall be the level of ground water in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.

The minimum flow and minimum water level shall be calculated by the department and the governing board using the best information available. When appropriate, minimum flows and levels may be calculated to reflect seasonal variations. The department and the governing board shall also consider, and at

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1 their discretion may provide for, the protection of 
2 nonconsumptive uses in the establishment of minimum flows and 
3 levels.

Section 11. Section 373.044, Florida Statutes, is 
amended to read:

373.044 Rules and regulations; enforcement; 
availability of personnel rules.--In administering this 
chapter, the governing board of the district is authorized to 
make and adopt reasonable rules, regulations, and orders which 
are consistent with law; and such rules, regulations, and 
orders may be enforced by manditory injunction or other 
appropriate action in the courts of the state. Rules relating 
to personnel matters shall be made available to the public and 
affected persons at no more than cost but need not be 
published in the Florida Administrative Code or the Florida 
Administrative Weekly. Personnel rules shall include a system 
of career ladders which allow qualified scientific and 
enforcement personnel to advance in salary and seniority in 
nonadministrative positions. Personnel rules shall also 
include a pay grade for trial attorneys.

Section 12. Subsection (1) of section 373.046, Florida 
Statutes, is amended to read:

373.046 Interagency agreements.--

(1) The department or the water management district 
may enter into interagency agreements with or among any other 
state agencies or water management districts conducting 
programs or exercising powers related to or affecting the 
water resources of the state. Such agreements may establish 
principal-agency or contract relationships; provide for cross-
deputization of enforcement personnel; provide for 
consolidation of facilities, equipment, or personnel; or 

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provide such other relationships as may be deemed beneficial
to the public interest. Such interagency agreements shall be
promulgated in the same manner as rules and regulations,
subject to chapter 120. All state agencies and water
management districts conducting programs or exercising powers
relating to or affecting the water resources of the state are
hereby authorized to delegate such authority to the department
or any of the several water management districts pursuant to
such interagency agreements.

Section 13. Section 373.103, Florida Statutes, is
amended to read:

373.103 Additional powers which may be vested in the
governing boards board at the department s discretion In
addition to the other powers and duties allowed it by law the
governing boards of the board of a water management districts
shall distri may be specifically authorized by the
department to;

(1) Administer and enforce all provisions of this
chapter including the permit systems established in parts II
III and IV of this chapter.

(2) Cooperate with the United States in the manner
provided by Congress for flood control reclamation
conservation and allied purposes in protecting the
inhabitants the land and other property within the district
from the effects of a surplus or a deficiency of water when
the same may be beneficial to the public health welfare
safety and utility.

(3) Plan construct operate and maintain works of
the district as defined in this chapter.

(4) Determine establish and control the level of
waters to be maintained in all canals lakes rivers

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channels, reservoirs, streams, or other bodies of water
controlled by the district; to maintain such waters at the
levels so determined and established by means of dams, locks, 
flowgates, dikes, and other structures; and to regulate the
discharge into, or withdrawal from, the canals, lakes, rivers, 
channels, reservoirs, streams, or other bodies of water
controlled by the district or which are a work of the
district, including review of small watershed projects (Pub. 

(5) Expend, at the discretion of the governing board,
for purposes of promotion, advertisement, and improvement of
the program and objectives of the district, a yearly sum not
to exceed 0.25 percent of the moneys collected by taxation
within the district.

(6) Exercise such additional power and authority
compatible with this chapter and other statutes and federal 
laws affecting the district as may be necessary to perform
such duties and acts and to decide such matters and dispose of
the same as are not specifically defined in or covered by
statute.

(7) Prepare, in cooperation with the department, that
part of the state water use plan applicable to the district.

Section 14. Subsections (1) and (3) of section
373.117, Florida Statutes, are amended to read:

373.117 Certification by professional engineer.--
(1) If an application for a permit or license to
conduct an activity regulated under this chapter requires the
services of a professional engineer as regulated and defined
by chapter 471, the department—or governing board of a water
management district may require, as a condition of granting a
permit or license, that a professional engineer licensed under
chapter 471 certify upon completion of the permitted or
licensed activity that such activity has been completed in
substantial conformance with the plans and specifications
approved by the department-or board.

(3) No permitted or licensed activity which is
required to be so certified shall be placed into use or
operation until the professional engineer's certificate is
filed with the department-or board.

Section 15. Subsection (1) of section 373.136, Florida
Statutes, is amended to read:

373.136 Enforcement of regulations and orders.--
(1) The governing board may enforce its regulations
and orders adopted pursuant to this chapter, by suit for
injunction or other appropriate action in the courts of the
state. Where fines are used as a method of enforcement, the
governing board shall adopt rules which establish a procedure
for determining the fine.

Section 16. Subsection (3) of section 373.203, Florida
Statutes, is amended to read:

373.203 Definitions.--
(3) "Plugging" is defined as plugging, capping, or
otherwise controlling a well as deemed appropriate by-the
department-or by the appropriate water management district.

Section 17. Section 373.206, Florida Statutes, is
amended to read:

373.206 Artesian wells; flow regulated.--Every person,
stock company, association, corporation, county, or
municipality owning or controlling the real estate upon which
is located a flowing artesian well in this state shall, within
90 days after June 15, 1953, provide each such well with a
valve capable of controlling the discharge from the well and

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shall keep the valve so adjusted that only a supply of water
is available which is necessary for ordinary use by the owner,
tenant, occupant, or person in control of the land for
personal use and for conducting his business. Upon the
determination by the Department of Environmental Regulation
or the appropriate water management district that the water in an
artesian well is of such poor quality as to have an adverse
impact upon an aquifer or other water body which serves as a
source of public drinking water or which is likely to be such
a source in the future, such well shall be plugged in
accordance with the Department or appropriate water management
district specifications for well plugging.

Section 18. Subsection (2) and paragraph (b) of
subsection (3) of section 373.209, Florida Statutes, are
amended to read:

373.209 Artesian wells; penalties for violation.--

(2) A well is exempt from the provisions of this
section unless the water management district Department of
Environmental Regulation can show that the uncontrolled flow
of water from the well does not have a reasonable and
beneficial use, as defined in s. 373.019(5).

(b) Any person who violates any provision of this
section shall be subject to either:

A civil penalty of $100 a day for each and every
day of such violation and for each and every act of violation.
The civil penalty may be recovered by the water management
board of the water management district in which the well is
located or by the Department in a suit in a court of competent
jurisdiction in the county where the defendant resides, in the
county of residence of any defendant if there is more than one
defendant, or in the county where the violation took place.

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The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating any provision of this section.

Section 19. Subsection (1) of section 373.217, Florida Statutes, is amended to read:

373.217 Superseded laws and regulations.--

(1) It is the intent of the Legislature to provide a means whereby reasonable programs for the issuance of permits authorizing the consumptive use of particular quantities of water may be implemented by the water management districts authorized by the Department of Environmental Regulation, subject to judicial review and also subject to review by the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission as provided in s. 373.114.

Section 20. Section 373.219, Florida Statutes, is amended to read:

373.219 Permits required.--

(1) The governing board or the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area. However, no permit shall be required for domestic consumption of water by individual users.

(2) In the event that any person shall file a complaint with the governing board or the department that any other person is making a diversion, withdrawal, impoundment,
or consumptive use of water not expressly exempted under the
provisions of this chapter and without a permit to do so, the
governing board or-the-department shall cause an investigation
to be made, and if the facts stated in the complaint are
verified the governing board or-the-department shall order the
discontinuance of the use.

Section 21. Subsections (2) and (3) of section
373.223, Florida Statutes, are amended to read:

373.223 Conditions for a permit.--

(2) The governing board or-the-department may
authorize the holder of a use permit to transport and use
ground or surface water beyond overlying land, across county
boundaries, or outside the watershed from which it is taken if
the governing board or-department determines that such
transport and use is consistent with the public interest, and
no local government shall adopt or enforce any law, ordinance,
rule, regulation, or order to the contrary.

(3) The governing board or-the-department, by
regulation, may reserve from use by permit applicants, water
in such locations and quantities, and for such seasons of the
year, as in its judgment may be required for the protection of
fish and wildlife or the public health and safety. Such
reservations shall be subject to periodic review and revision
in the light of changed conditions. However, all presently
existing legal uses of water shall be protected so long as
such use is not contrary to the public interest.

Section 22. Section 373.229, Florida Statutes, is
amended to read:

373.229 Application for permit.--

CODING: Words stricken are deletions; words underlined are additions.
(1) All permit applications filed with the governing board or the department under this part and notice thereof required under s. 373.116 shall contain:

(a) The name of the applicant and his address or, in the case of a corporation, the address of its principal business office;

(b) The date of filing;

(c) The date set for a hearing, if any;

(d) The source of the water supply;

(e) The quantity of water applied for;

(f) The use to be made of the water and any limitation thereon;

(g) The location of the well or point of diversion; and

(h) Such other information as the governing board or the department may deem necessary.

(2) The notice shall state that written objections to the proposed permit may be filed with the governing board or the department by a specified date. The governing board or the department, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses.

(3) If the proposed application is for less than 100,000 gallons per day, the governing board or the department may consider the application and any objections thereto without a hearing. If the proposed application is for 100,000 gallons per day or more and no objection is received, the governing board or the department, after proper investigation by its staff, may, at its discretion, approve the application without a hearing.

CODING: Words stricken are deletions; words underlined are additions.
Section 23. Section 373.233, Florida Statutes, is amended to read:

373.233 Competing applications.--

(1) If two or more applications which otherwise comply with the provisions of this part are pending for a quantity of water that is inadequate for both or all, or which for any other reason are in conflict, the governing board or the department shall have the right to approve or modify the application which best serves the public interest.

(2) In the event that two or more competing applications qualify equally under the provisions of subsection (1), the governing board or the department shall give preference to a renewal application over an initial application.

Section 24. Section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits.--

(1) Permits may be granted for any period of time not exceeding 20 years. The governing board or the department may base duration of permits on a reasonable system of classification according to source of supply or type of use, or both.

(2) The governing board or the department may authorize a permit of duration of up to 50 years in the case of a municipality or other governmental body or of a public works or public service corporation where such a period is required to provide for the retirement of bonds for the construction of waterworks and waste disposal facilities.

Section 25. Subsection (2) of section 373.239, Florida Statutes, is amended to read:

373.239 Modification and renewal of permit terms.--

CODING. Words stricken are deletions; words underlined are additions.
If the proposed modification involves water use of 100,000 gallons or more per day, the application shall be treated under the provisions of s. 373.229 in the same manner as the initial permit application. Otherwise, the governing board or the department may at its discretion approve the proposed modification without a hearing, provided the permittee establishes that:

(a) A change in conditions has resulted in the water allowed under the permit becoming inadequate for the permittee's need, or
(b) The proposed modification would result in a more efficient utilization of water than is possible under the existing permit.

Section 26. Section 373.243, Florida Statutes, is amended to read:

373.243 Revocation of permits.—The governing board or the department may revoke a permit as follows:

(1) For any material false statement in an application to continue, initiate, or modify a use, or for any material false statement in any report or statement of fact required of the user pursuant to the provisions of this chapter, the governing board or the department may revoke the user's permit, in whole or in part, permanently.

(2) For willful violation of the conditions of the permit, the governing board or the department may permanently or temporarily revoke the permit, in whole or in part.

(3) For violation of any provision of this chapter, the governing board or the department may revoke the permit, in whole or in part, for a period not to exceed 1 year.

(4) For nonuse of the water supply allowed by the permit for a period of 2 years or more, the governing board or

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the-department may revoke the permit permanently and in whole
unless the user can prove that his nonuse was due to extreme
hardship caused by factors beyond his control.

(5) The governing board or-the-department may revoke a
permit, permanently and in whole, with the written consent of
the permittee.

Section 27. Subsections (1) through (17) of section
373.246, Florida Statutes, are amended to read:

373.246 Declaration of water shortage or emergency.--

(1) The governing board or-the-department by
regulation shall formulate a plan for implementation during
periods of water shortage. Copies of the water shortage plan
shall be submitted to the Speaker of the House of
Representatives and the President of the Senate no later than
October 31, 1983. As a part of this plan the governing board
or-the-department shall adopt a reasonable system of water-use
classification according to source of water supply, method of
extraction, withdrawal, or diversion; or use of water or a
combination thereof. The plan may include provisions for
variances and alternative measures to prevent undue hardship
and ensure equitable distribution of water resources.

(2) The governing board or-the-department by order may
declare that a water shortage exists for a source or sources
within all or part of the district when insufficient water is
or will be available to meet the present and anticipated
requirements of the users or when conditions are such as to
require temporary reduction in total use within the area to
protect water resources from serious harm. Such orders will
be final agency action.

(3) In accordance with the plan adopted under
subsection (1), the governing board or-the-department may

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impose such restrictions on one or more classes of water uses
as may be necessary to protect the water resources of the area
from serious harm and to restore them to their previous
condition.

(4) A declaration of water shortage and any measures
adopted pursuant thereto may be rescinded by the governing
board or the department.

(5) When a water shortage is declared, the governing
board or the department shall cause notice thereof to be
published in a prominent place within a newspaper of general
circulation throughout the area. Publication of such notice
will serve as notice to all users in the area of the condition
of water shortage.

(6) The governing board or the department shall notify
each permittee in the district by regular mail of any change
in the condition of his permit or any suspension of his permit
or of any other restriction on his use of water for the
duration of the water shortage.

(7) If an emergency condition exists due to a water
shortage within any area of the district, and if the
department, or the executive director of the district with the
concurrency of the governing board, finds that the exercise of
powers under subsection (1) is not sufficient to protect the
public health, safety, or welfare; the health of animals, fish
or aquatic life; a public water supply; or recreational,
commercial, industrial, agricultural, or other reasonable
uses, or he may, pursuant to the provisions of s. 373.119,
issue emergency orders reciting the existence of such an
emergency and requiring that such action, including, but not
limited to, apportioning, rotating, limiting, or prohibiting
the use of the water resources of the district, be taken as

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the department or the executive director deems necessary to meet the emergency.

Section 28. Section 373.249, Florida Statutes, is amended to read:

373.249 Existing regulatory districts preserved.--The enactment of this chapter shall not affect any existing water regulatory districts pursuant to chapter 373, or orders issued by said regulatory districts, unless specifically revoked, modified, or amended by such regulatory district or by the department.

Section 29. Subsection (1) of section 373.303, Florida Statutes, is amended to read:

373.303 Definitions.--As used in this part, the term:

(1) "Abandoned water well" means a well the use of which has been permanently discontinued. Any well shall be deemed abandoned which is in such a state of disrepair, as determined by a representative of the water management district department, that continued use for the purpose of obtaining ground water or disposing of water or liquid wastes is impracticable.

Section 30. Section 373.309, Florida Statutes, is amended to read:

373.309 Authority to adopt rules, regulations, and procedures.--Each water management district the department shall adopt, and may from time to time amend, rules and regulations governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, it shall:

(1) Enforce the provisions of this part and any rules and regulations adopted pursuant thereto.

CODING: Words stricken are deletions; words underlined are additions.
Delegate, at its discretion, to any political subdivision any of its authority under this part in the administration of the rules and regulations adopted hereunder.

(3) Establish procedures and forms for the submission, review, approval, and rejection of applications, notifications, and reports required under this part.

(4) Require at its discretion the making and filing of logs, and the saving of cuttings and cores, which shall be delivered to the water management district department.

(5) Issue such additional regulations and take such other actions as may be necessary to carry out the provisions of this part.

Section 31, Section 373.313, Florida Statutes, is amended to read:

373.313 Prior permission and notification.--

21 (1) Taking into consideration other applicable state laws, in any geographical area where the water management district department determines such permission to be reasonably necessary to protect the ground water resources, prior permission shall be obtained from the water management district department for each of the following:

(a) The construction of any water well;
(b) The repair of any water well; or
(c) The abandonment of any water well.

However, in any area where undue hardship might arise by reason of such requirement, prior permission will not be required.

(2) The water management district department shall be notified of any of the following whenever prior permission is not required:

CODING: Words stricken are deletions; words underlined are additions.
The construction of any water well;
(b) The repair of any water well; or
(c) The abandonment of any water well.

Section 32. Section 373.316, Florida Statutes, is amended to read:

373.316 Existing installations.--No well in existence on the effective date of this part shall be required to conform to the provisions of s. 373.313 or any rules or regulations adopted pursuant thereto. However, any well now or hereafter abandoned or repaired as defined in this part shall be brought into compliance with the requirements of this part and any applicable rules or regulations with respect to abandonment of wells, and any well which is determined by the water management district department to be a hazard to the ground water resources must comply with the provisions of this part and applicable rules and regulations within a reasonable time after notification of such determination has been given.

Section 33. Section 373.319, Florida Statutes, is amended to read:

373.319 Inspections.--
(1) The water management district department is authorized to inspect any water well or abandoned water well. Duly authorized representatives of the water management district department may at reasonable times enter upon and shall be given access to any premises for the purpose of such inspection.
(2) If upon the basis of such inspections the water management district department finds applicable laws, rules, or regulations have not been complied with, it shall disapprove the well. If disapproved, no well shall thereafter

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be used until brought into compliance with the rules and
regulations promulgated under this law.

Section 34. Paragraphs (b), (d), (e), and (g) of
subsection (1) and paragraph (a) of subsection (2) of section
373.323, Florida Statutes, are amended to read:

373.323 Water well contractor licenses; driller and
drilling equipment registration.--

(1) WATER WELL CONTRACTOR LICENSES.--

(b) Each water management district The department may
adopt and from time to time amend rules and regulations
governing applications for water well contractor licenses.
The water management district shall license as a water well
contractor any person properly making application therefor who
is an adult for all legal purposes, has knowledge of rules and
regulations adopted under this part, and has had not less than
2 years' experience in the work for which he is applying for a
license. Each water management district The department shall
prepare an examination which each such applicant must pass in
order to qualify for such license.

(d) Licenses issued pursuant to this section are not
transferable and shall expire on July 1 of each year. A
license may be renewed without examination for an ensuing year
by making application not later than 30 days after the
expiration date and paying the applicable fee. Such
application shall have the effect of extending the validity of
the current license until a new license is received or the
applicant is notified by the water management district
department that it has refused to renew his license. After
July 31 of each year, a license will be renewed only upon
application and payment of the applicable fee plus a penalty
of $50.
(e) Whenever the department-or water management district determines that the holder of any license issued pursuant to this section has violated any provision of this part or any rule or regulation adopted pursuant thereto, the department-or water management district is authorized to suspend or revoke any such license. Any order issued pursuant to this subsection shall become effective 30 days after service thereof unless a written petition requesting hearing under the procedure provided in chapter 120 is filed sooner.

(g) No later than October 1, 1984, the department shall delegate to the water management districts the powers and duties relating to processing and issuing water well contractor-licenses. A license issued by any water management district shall be valid anywhere in the state.

(2) DRILLER AND DRILLING EQUIPMENT REGISTRATION.--

(a) Every person who operates drilling equipment for the purpose of constructing wells shall register with each water management district in which construction activity takes place. The governing board shall, as minimum conditions of such registration, require:

1. A written recommendation from a licensed water well contractor verifying the status of the driller as an employee of the contractor.

2. Demonstration of sufficient experience and practical knowledge needed to operate drilling equipment of the type to be used in actual well construction.

3. A written examination considered appropriate by the board and designed to verify the driller's knowledge of commonly accepted drilling practices and applicable rules of the district and the department.
Section 35. Subsection (1) of section 373.326, Florida Statutes, is amended to read:

373.326 Exemptions.--

(1) When the water management district department finds that compliance with all requirements of this part would result in undue hardship, an exemption from any one or more such requirements may be granted by the water management district department to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this part.

Section 36. Section 373.339, Florida Statutes, is amended to read:

373.339 Existing regulations preserved.--The enactment of this chapter shall not apply in any area where water wells are regulated by a water regulatory district pursuant to the authority of chapter 373 unless and until the water management district department shall modify or revoke such regulations and provide that such area will thereafter be governed by the provisions of this part.

Section 37. Subsection (1) of section 373.342, Florida Statutes, is amended to read:

373.342 Permits.--

(1) The governing board of any water regulatory district which, pursuant to the authority of s. 373.339 or pursuant to authority delegated to it by the water management district department under s.-373.368-or s. 373.309(2), regulates water wells may in its discretion authorize its executive director to issue permits for the construction, repair, or modification of any water well.

Section 38. Subsection (4) of section 373.406, Florida Statutes, is amended to read:

CODING: Words struck are deletions; words underlined are additions.
373.406 Exemptions.—The following exemptions shall apply:

(4) All rights and restrictions set forth in this section shall be enforced by the governing board or the Department of Environmental Regulation or its successor agency, and nothing contained herein shall be construed to establish a basis for a cause of action for private litigants.

Section 39. Subsections (1) and (2) of section 373.409, Florida Statutes, are amended to read:

373.409 Headgates, valves, and measuring devices.—

(1) The department or the governing board may, by regulation, require the owner of any dam, impoundment, reservoir, appurtenant work, or works subject to the provisions of this part to install and maintain a substantial and serviceable headgate or valve at the point designated by the department or the governing board to measure the water discharged or diverted.

(2) If any owner shall not have constructed or installed such headgate or valve or such measuring device within 60 days after the governing board or department has ordered its construction, the governing board or department shall have such headgate, valve, or measuring device constructed or installed, and the costs of installing the headgate, valve, or measuring device shall be a lien against the owner's land upon which such installation takes place until the governing board or department is reimbursed in full.

Section 40. Section 373.413, Florida Statutes, is amended to read:

373.413 Permits for construction or alteration.—

(1) Except for the exemptions set forth herein, the governing board or the department may require such permits and
impose such reasonable conditions as are necessary to assure
that the construction or alteration of any dam, impoundment,
reservoir, appurtenant work, or works will not be harmful to
the water resources of the district. The department or the
governing board may delineate areas within the district
wherein permits may be required.

(2) A person proposing to construct or alter a dam,
impoundment, reservoir, appurtenant work, or works subject to
such permit shall apply to the governing board or department
for a permit authorizing such construction or alteration. The
application shall contain the following:

(a) Name and address of the applicant.

(b) Name and address of the owner or owners of the
land upon which the works are to be constructed and a legal
description of such land.

(c) Location of the work.

(d) Sketches of construction pending tentative
approval.

(e) Name and address of the person who prepared the
plans and specifications of construction.

(f) Name and address of the person who will construct
the proposed work.

(g) General purpose of the proposed work.

(h) Such other information as the governing board or
department may require.

(3) After receipt of an application for a permit, the
governing board or department shall cause a notice thereof to
be published in a newspaper having general circulation within
the affected area. In addition, the governing board or
department shall send a copy of such notice to any person who
has filed a written request for notification of any pending

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applications affecting the particular designated area. This notice shall be sent by regular mail prior to the date of publication. The notice shall contain:

(a) The name and address of the applicant or, in the case of a corporation, the address of its principal business office;

(b) The date of filing;

(c) The date set for a hearing, if any;

(d) The source of the water to be contained;

(e) The quantity of water to be contained;

(f) The use to be made of the water and any limitation thereon; and

(g) Such other information as the governing board or the department may deem necessary.

(4) The notice provided for in subsection (3) shall state that written objections to the proposed permit may be filed with the governing board or department by a specified date. The governing board or department, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses.

(5) If no substantial objection to the application is received, the governing board or department, after proper investigation by its staff, may at its discretion approve the application without a hearing. Otherwise, it shall set a time for a hearing in accordance with the provisions of chapter 120.

Section 41. Subsection (1) of section 373.414, Florida Statutes, is amended to read:

373.414 Wetlands.--

CODING: Words stricken are deletions; words underlined are additions.
1. (1) By March 31, 1987, for those water management districts to which the department has delegated the responsibility for administration of its stormwater rules, each water management district shall adopt a rule which establishes specific permitting criteria for certain small isolated wetlands which are not within the jurisdiction of the department for purposes of regulation of dredging and filling. The rule shall include:

   (a) One or more size thresholds of isolated wetlands below which impacts on fish and wildlife and their habitats will not be considered. These thresholds shall be based on biological and hydrological evidence that shows the fish and wildlife values of such areas to be minimal;

   (b) Criteria for review of fish and wildlife and their habitats for isolated wetlands larger than the minimum size;

   (c) Criteria for the protection of threatened and endangered species in isolated wetlands regardless of size and land use; and

   (d) Provisions for consideration of the cumulative and offsite impacts of a project or projects.

Section 42. Section 373.416, Florida Statutes, is amended to read:

373.416 Permits for maintenance or operation.--

(1) Except for the exemptions set forth in this part, the governing board or department may require such permits and impose such reasonable conditions as are necessary to assure that the operation or maintenance of any dam, impoundment, reservoir, appurtenant work, or works will not be inconsistent with the overall objectives of the district and will not be harmful to the water resources of the district.

CODING: Words stricken are deletions; words underlined are additions.
(2) Except as otherwise provided in ss. 373.426 and
373.429, a permit issued by the governing board or-department
for the maintenance or operation of a dam, impoundment,
reservoir, appurtenant work, or works shall be permanent, and
the sale or conveyance of such dam, impoundment, reservoir,
appurtenant work, or works, or the land on which the same is
located, shall in no way affect the validity of the permit,
provided the owner in whose name the permit was granted
notifies the governing board or-department of such change of
ownership within 30 days of such transfer.

Section 4j. Section 373.419, Florida Statutes, is
amended to read:

373.419 Completion report.---Within 30 days after the
completion of construction or alteration of any dam,
impoundment, reservoir, appurtenant work, or works, the
permittee shall file a written statement of completion with
the governing board or department. The governing board or
department shall designate the form of such statement and such
information as it shall require.

Section 4k. Section 373.423, Florida Statutes, is
amended to read:

373.423 Inspection.--
(1) During the construction or alteration of any dam,
impoundment, reservoir, appurtenant work, or works, the
governing board or-department shall make at its expense such
periodic inspections as it deems necessary to ensure
comformity with the approved plans and specifications included
in the permit.

(2) If during construction or alteration the governing
board or-department finds that the work is not being done in
accordance with the approved plans and specifications as

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indicated in the permit, it shall give the permittee written notice stating with which particulars of the approved plans and specifications the construction is not in compliance and shall order immediate compliance with such plans and specifications. The failure to act in accordance with the orders of the governing board or department after receipt of written notice shall result in the initiation of revocation proceedings in accordance with s. 373.429.

(3) Upon completion of the work, the executive director of the district or the Department of Environmental Regulation or its successor agency shall have periodic inspections made of permitted dams, reservoirs, impoundments, appurtenant work, or works to protect the public health and safety and the natural resources of the state. No person shall refuse immediate entry or access to any authorized representative of the governing board or the department who requests entry for purposes of such inspection and presents appropriate credentials.

Section 45. Subsection (1) of section 373.426, Florida Statutes, is amended to read:

373.426 Abandonment.--

(1) Any owner of any dam, impoundment, reservoir, appurtenant work, or works wishing to abandon or remove such work may first be required by the governing board or the department to obtain a permit to do so and may be required to meet such reasonable conditions as are necessary to assure that such abandonment will not be inconsistent with the overall objectives of the district.

Section 46. Section 373.429, Florida Statutes, is amended to read:

CODING: Words stricken are deletions; words underlined are additions.
373.429 Revocation and modification of permits.--The governing board or the department may revoke or modify a permit at any time if it determines that a dam, impoundment, reservoir, appurtenant work, or works has become a danger to the public health or safety or if its operation has become inconsistent with the objectives of the district. The affected party may file a written petition for hearing no later than 14 days after notice of revocation or modification is served. If the executive director of the district or the division determines that the danger to the public is imminent, he may order a temporary suspension of the construction, alteration, or operation of the works until the hearing is concluded, or may take such action as authorized under s. 373.439.

Section 47. Section 373.433, Florida Statutes, is amended to read,

373.433 Abatement.--Any dam, impoundment, reservoir, appurtenant work, or works which violates the laws of this state or which violates the standards of the governing board or the department shall be declared a public nuisance. The operation of such dam, impoundment, reservoir, appurtenant work, or works may be enjoined by suit by the state or any of its agencies or by a private citizen. The governing board or the department shall be a necessary party to any such suit. Nothing herein shall be construed to conflict with the provisions of s. 373.429.

Section 48. Section 373.436, Florida Statutes, is amended to read,

373.436 Remedial measures.--

1) Upon completion of any inspection provided for by s. 373.423(3), the executive director shall determine what
alterations or repairs are necessary and order that such alterations and repairs shall be made within a time certain, which shall be a reasonable time. The owner of such dam, impoundment, reservoir, appurtenant work, or works may file a written petition for hearing before the governing board or-the-department no later than 14 days after such order is served. If, after such order becomes final, the owner shall fail to make the specified alterations or repairs, the governing board or-the-department may, in its discretion, cause such alterations or repairs to be made.

Any cost to the district or-the-department of alterations or repairs made by it under the provisions of subsection (1) shall be a lien against the property of the landowner on whose lands the alterations or repairs are made until the governing board or-department is reimbursed, with reasonable interest and attorney's fees, for its costs.

Section 49. Section 373.439, Florida Statutes, is amended to read:

373.439 Emergency measures.--

1) The executive director, with the concurrence of the governing board, or-the-Department-of-Environmental Regulation shall immediately employ any remedial means to protect life and property if either:

(a) The condition of any dam, impoundment, reservoir, appurtenant work, or works is so dangerous to the safety of life or property as not to permit time for the issuance and enforcement of an order relative to maintenance or operation.

(b) Passing or imminent floods threaten the safety of any dam, impoundment, reservoir, appurtenant work, or works.

2) In applying the emergency measures provided for in this section, the executive director or-the-Department-of

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Environmental-Regulation may in an emergency do any of the following:
(a) Lower the water level by releasing water from any impoundment or reservoir.
(b) Completely empty the impoundment or reservoir.
(c) Take such other steps as may be essential to safeguard life and property.

(3) The executive director or the Department of Environmental-Regulation shall continue in full charge and control of such dam, impoundment, reservoir, and its appurtenant works until they are rendered safe or the emergency occasioning the action has ceased.

Section 50. Section 373.603, Florida Statutes, is amended to read:

373.603 Power to enforce.--The Department of Environmental-Regulation or the governing board of any water management district and any officer or agent thereof may enforce any provision of this law or any rule or regulation adopted and promulgated or order issued thereunder to the same extent as any peace officer is authorized to enforce the law. Any officer or agent of any such board may appear before any magistrate empowered to issue warrants in criminal cases and make an affidavit and apply for the issuance of a warrant in the manner provided by law; and said magistrate, if such affidavit shall allege the commission of an offense, shall issue a warrant directed to any sheriff or deputy for the arrest of any offender. The governing board shall establish incentives to encourage the third-party reporting of violations. The provisions of this section shall apply to the Florida Water Resources Act of 1972 in its entirety.
Section 51. Section 373.609, Florida Statutes, is amended to read:

373.609 Enforcement; city and county officers to assist.--It shall be the duty of every state and county attorney, sheriff, police officer, and other appropriate city and county official, upon request, to assist the department, the governing board of any water management district, or any local board, or any of their agents in the enforcement of the provisions of this law and the rules and regulations adopted thereunder.

Section 52. Section 373.613, Florida Statutes, is amended to read:

373.613 Penalties.—Any person who violates any provision of this law or any rule, regulation or order adopted or issued pursuant thereto is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Where fines are used as the method of enforcement, the governing board shall adopt rules establishing procedures for determining the amount of the fine.

Section 53. Sections 373.043 and 373.308, Florida Statutes, are hereby repealed.

Section 54. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, sections 373.323-373.342, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 55. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, sections 373.073-373.103, Florida Statutes, shall

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not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 56. Effective January 1, 1990, subsection (1) of section 373.106, Florida Statutes, is amended to read:

373.106 Permit required for construction involving artificial recharge and underground formation.--

(1) No construction may be begun on a project involving artificial recharge or the intentional introduction of water into any underground formation except as permitted in chapter 377, without the written permission of the governing board of any water management district within which the construction will take place. Such application shall contain the detailed plans and specifications for the construction of the project. Construction of a domestic or industrial wastewater treatment facility which uses artificial recharge, wetlands overflow, or the intentional introduction of water into an underground formation as a method of wastewater disposal shall be within the exclusive jurisdiction of the department, and shall be exempt from this provision.

Section 57. Effective January 1, 1990, subsection (2) of section 403.061, Florida Statutes, is amended, subsections (12) through (30) are renumbered as subsections (13) through (31), respectively, and a new subsection (12) is added to said section to read:

403.061 Department; powers and duties.--The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(2) Hire only such employees as may be necessary to effectuate the responsibilities of the department, and retain
these employees by establishing career paths for qualified
scientific and enforcement personnel to allow advancement in
salary and seniority in nonadministrative positions, and by
establishing a pay grade for trial attorneys.

(12) Have exclusive jurisdiction over methods of
industrial and domestic wastewater treatment and disposal and
the amount of water reuse required. Wastewater disposal
includes, but is not limited to, land spreading, rapid
infiltration, percolation, wetlands overflow, and deep well
injection.

Section 58. Paragraph (a) of subsection (2) of section
403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.--The
department shall have the following judicial and
administrative remedies available to it for violations of this
chapter, as specified in s. 403.161(1):

(2) Administrative remedies:

(a) The department may institute an administrative
proceeding to establish liability and to recover damages for
any injury to the air, waters, or property, including animal,
plant, or aquatic life, of the state caused by any violation.
The department may order that the violator pay a specified sum
as damages to the state. The department shall adopt rules
which establish a procedure for determining the damages.
Judgment for the amount of damages determined by the
department may be entered in any court having jurisdiction
thereof and may be enforced as any other judgment. The
department shall establish incentives to encourage the third-
party reporting of violations.

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Section 59. Subsection (1) of section 253.665, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

253.665 Grant of easements, licenses, and leases.—

(1) Notwithstanding the provisions of s. 253.02(2), the Board of Trustees of the Internal Improvement Trust Fund of this state is authorized, and empowered, and directed to adopt rules to take effect not later than October 1, 1989, authorizing the respective water management districts, beginning January 1, 1990, to serve as agents for the board and to act on its behalf in making a grant unto riparian owners as herein defined, their heirs, successors and assigns, perpetual easements and easements, licenses and leases for specified terms of years, permitting such riparian owners, their heirs, successors and assigns, to construct, maintain and operate structures and facilities on, in and under the bed of any navigable stream or any river owned in whole or in part by the state, for the purpose of providing water of a suitable quality for industrial, domestic or other use; provided, however, any instrument granting such easement, lease or license may contain provisions to the effect that such structures and facilities shall be so constructed as not to obstruct the channel of the stream or river or unreasonably interfere with navigation, commerce or fishing thereon.

Beginning January 1, 1990, the board, on its own motion, may initiate review of such action by a water management district. To initiate review, the board shall give notice to the water management district and the riparian owner within 30 days of such action. When review is initiated under this provision, the water management district board action shall not be subject to appeal under s. 373.114.

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(4) Notwithstanding the provisions of s. 253.01111(b),

revenues derived from application fees for the grant of
easements, licenses, and leases under this section performed
by the water management districts as agents for the board
shall be divided. The water management districts shall retain
20 percent, and the remainder shall be placed into the
Internal Improvement Trust Fund.

Section 60. Effective January 1, 1990, sections

403.91, 403.911, 403.912, 403.913, 403.914, 403.916, 403.918,
403.919, 403.92, 403.921, 403.922, 403.923, 403.924, 403.925,
and 403.927, Florida Statutes, shall be transferred to chapter
373, Florida Statutes, and the powers and duties heretofore
granted to the Department of Environmental Regulation under
such sections shall be transferred to the water management
districts.

Section 61. Effective January 1, 1990, sections

403.93, 403.931, 403.932, 403.933, 403.935, 403.936, and
403.938, Florida Statutes, are renumbered as sections 373.493,
373.4931, 373.4932, 373.4933, 373.4935, 373.4936, and
373.4938, Florida Statutes.

Section 62. Section 373.0285, Florida Statutes, is
created to read:

373.0285 Wetlands dredging and filling; permitting;

rules.--For purposes of regulation of dredging and filling,

each water management district operating under the guidance of

the department shall adopt rules, between July 1, 1989, and

November 15, 1989, which consolidate its rules relating to

management and storage of surface water with permitting
criteria for wetlands protected under the Warren S. Henderson
Wetlands Protection Act of 1984 and for those isolated
wetlands protected under s. 373.414. The rules shall strive

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to achieve statewide uniformity and consistency, but allow for
regional variations. The secretary of the department shall
review the rules using general supervisory authority pursuant
to this chapter and consistency review authority pursuant to
Chapter 17-40, Florida Administrative Code. Such rules shall
not take effect before January 1, 1990.

Section 63. Effective January 1, 1990, paragraph (d)
of subsection (7) of section 378.503, Florida Statutes, is
amended to read:

378.503 Limestone reclamation performance standards.--
(7) Resource extraction which results in a water body
shall provide one of the following shoreline treatments:
(d) Slope requirements of the U.S. Army Corps of
Engineers or the water management district Department-of
Environmental-Regulation-under-the-Warren-S.-Henderson

Section 64. Effective January 1, 1990, subsection (3)
of section 403.265, Florida Statutes, is amended to read:
403.265 Peat mining; permitting.--
(3) The department may adopt rules which are
consistent with the rules of the water management districts
governing dredging and filling in wetlands, powers-and-duties
listed-in-st-403.912 to govern the mining of peat, including
stricter permitting and enforcement provisions for the mining
for sale or consumption of peat or peat soils within or
contiguous to the areas which have been designated as
Outstanding Florida Waters or which were under consideration
by the Environmental Regulation Commission for such
designation on April 1, 1984.

Section 65. Effective January 1, 1990, section
403.813, Florida Statutes, is renumbered as section 373.028,
Florida Statutes, and subsection (1) and the introductory paragraph and paragraphs (b), (e), (o), (p), and (q) of subsection (2) of said section are amended, to read,

373.028 403.813 Permits issued by water management districts at-district-centers; exceptions.--

(1) Each water management district The-secretary is authorized to adopt procedural rules providing for a short-form application for, and issuance at-the-district-center of, permits for certain activities. These activities shall include the following and any others established by rule:

(a) Projects not exceeding 10,000 cubic yards of material placed in or removed from the navigable waters of the state;

(b) Dockage or marina facilities not exceeding 30,000 square feet of submerged lands;

(c) New seawalls or similar structures not exceeding 500 linear feet of shoreline;

(d) The installation of buoys, signs, fences, ski ramps, and fish attractors by the Florida Game and Fresh Water Fish Commission;

(e) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state carrying water, electricity, communication cables, oil, and gas, except as exempted by paragraph (m) or paragraph (n) of subsection (2); and

(f) The performance, for 10 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, and harbor berths. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the

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1 actual cost of the maintenance dredging for material removed
during such maintenance dredging. However, no charge shall be
3 exacted by the state for material removed during such
4 maintenance dredging by a public port authority. The removing
5 party may subsequently sell such material. However, proceeds
6 from such sale that exceed the costs of maintenance dredging
7 shall be remitted to the state and deposited in the Internal
8 Improvement Trust Fund.

(2) No permit under this chapter, chapter 603 375, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities
associated with the following types of projects; however, nothing in this subsection relieves an applicant from any
requirement to obtain permission to use or occupy lands owned
by the Board of Trustees of the Internal Improvement Trust
Fund or any water management district in its governmental or
proprietary capacity or from complying with applicable local
pollution control programs authorized under this chapter or
other requirements of county and municipal governments;

(b) The installation and repair of mooring pilings and
dolphins associated with private docking facilities and the
installation of private docks, any of which docks:

1. Has 500 square feet or less of over-water surface
area for a dock which is located in an area designated as
Outstanding Florida Waters or 1,000 square feet or less of
over-water surface area for a dock which is located in an area
which is not designated as Outstanding Florida Waters;

2. Is constructed on or held in place by pilings or is
a floating dock which is constructed so as not to involve
filling or dredging other than that necessary to install the
pilings;

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3. Shall not substantially impede the flow of water or
create a navigational hazard;
4. Is used for recreational, noncommercial activities
associated with the mooring or storage of boats and boat
paraphernalia; and
5. Is the sole dock constructed pursuant to this
exemption as measured along the shoreline for a distance of 65
feet, unless the parcel of land or individual lot as platted
is less than 65 feet in length along the shoreline, in which
case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the water management
district department from taking appropriate enforcement action
pursuant to this chapter to abate or prohibit any activity
otherwise exempt from permitting pursuant to this paragraph if
the water management district department can demonstrate that
the exempted activity has caused water pollution in violation
of this chapter.

(e) The restoration of seawalls at their previous
locations or upland of, or within 1 foot waterward of, their
previous locations. However, this shall not affect the
permitting requirements of chapter 161, and water management
district department rules shall clearly indicate that this
exception does not constitute an exception from the permitting
requirements of chapter 161.

(o) The construction of private seawalls in waters of
the state where such construction is between and adjoins at
both ends existing seawalls, follows a continuous and uniform
seawall construction line with the existing seawalls, is no
more than 150 feet in length, and does not violate existing
water quality standards, impede navigation, or affect flood
49

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control. However, this shall not affect the permitting requirements of chapter 161, and water management district department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(p) The restoration of existing insect control impoundment dikes which are less than 100 feet in length. Such impoundments shall be connected to tidally influenced waters for 6 months each year beginning September 1 and ending February 28 if feasible or operated in accordance with an impoundment management plan approved by the water management district department. A dike restoration may involve no more dredging than is necessary to restore the dike to its original design specifications. For the purposes of this paragraph, restoration does not include maintenance of impoundment dikes of operating insect control impoundments.

(q) The construction, operation, or maintenance of stormwater management facilities which are designed to serve single family residential projects, including duplexes, triplexes, and quadruplexes, if they are less than 10 acres total land and have less than 2 acres of impervious surface and if the facilities:

1. Comply with all regulations or ordinances applicable to stormwater management and adopted by a city or county;

2. Are not part of a larger common plan of development or sale;

3. Discharge into a stormwater discharge facility exempted or permitted by the department under this chapter which has sufficient capacity and treatment capability as specified in this chapter and is owned, maintained, or 50

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operated by a city, county, special district with drainage responsibility, or water management district; however, this exemption does not authorize discharge to a facility without the facility owner’s prior written consent.

Section 66. Effective January 1, 1990, section 373.104, Florida Statutes, is created to read:

373.104 Permits for water management district activities and projects.--Water management district activities or projects which, being conducted by others, would require a permit pursuant to this chapter shall be regulated by the department using the rules which would be applied by the water management district to other permit applicants.

Section 67. The transfer of the responsibilities described in sections 65 and 66 shall be accomplished with the cooperation of the Department of Environmental Regulation and the water management districts by January 1, 1990. The advisability of the transfer of other water programs to the water management districts shall be studied, and a determination by the Legislature as to whether and to what extent such transfer should be made shall be completed by October 1, 1992.

Section 68. Effective January 1, 1990, subsection (1) of section 403.816, Florida Statutes, is amended to read:

403.816 Permits for maintenance dredging of deepwater ports and beach restoration projects.--

(1) The department shall establish a permit system under this chapter and chapter 253 which provides for the performance, for up to 25 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, harbor berths, and beach restoration projects approved pursuant to

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chapter 161. No charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority except as provided in s. 373.028(1)(f) 403.813(1)(f).

Section 69. Effective January 1, 1990, paragraph (d) of subsection (1) of section 403.921, Florida Statutes, is amended to read:

403.921 Permits; duration; fees.-- (1) (d) This subsection does not apply to any permit issued pursuant to s. 373.028(1)(f) 403.813(1)(f) or s. 403.816.

Section 70. Section 373.1735, Florida Statutes, is created to read:

373.1735 Stormwater regulation.-- (1) The Legislature finds that the discharge of untreated stormwater is a source of water pollution and requires regulation. Therefore, each water management district shall adopt and administer a program to prevent water pollution by discharges of stormwater.

(2) Each water management district shall adopt by November 15, 1989, and enforce, effective January 1, 1990, rules which consolidate its rules relating to management and storage of surface waters with rules for the regulation of stormwater discharges. The department shall continue to administer and enforce the provisions of Chapter 17-25, Florida Administrative Code, in any water management district which has not adopted rules for the regulation of stormwater until the water management district has adopted its rules.

Upon the adoption of stormwater rules by a water management district

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1 district, the department shall cease its administration of
2 Chapter 17-25, Florida Administrative Code.
3
4 Section 71. Effective January 1, 1990, section
5 403.812, Florida Statutes, is amended to read,
6 403.812 Delegation of functions to water management
7 districts.--
8
9 (1) The department may delegate to those water
10 management districts that it finds to be financially and
11 technically capable of implementing the delegation, its powers
12 and duties pertaining to the administration of its "Regulation
13 of Stormwater Rule:"
14
15 (b) When the stormwater rule is delegated to a water
16 management district, the department shall not require a permit
17 for dredge and fill activities that are required for the
18 connection of stormwater management facilities to waters and
19 that are incidental to the construction of such facilities.
20 For the purposes of dredge and fill regulation, "waters" do
21 not include those contained within artificially-constructed
22 stormwater treatment and conveyance systems that are designed
23 solely for the purpose of stormwater treatment and that are
24 regulated by the department or a water management district to
25 which the responsibility for stormwater regulation has been
26 delegated:
27
28 (c) Within twelve months following July 1, 1985, the South
29 Florida Water Management District shall adopt performance
30 criteria for review of the groundwater discharge of
31 stormwater. Upon adoption of such performance criteria by the
32 district, the department shall not require a separate
33 groundwater permit for permitted stormwater facilities within
34 the district.

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When the secretary determines that a water management district has the financial and technical capability to carry out water quality and other functions of the department, those powers, duties, and functions, or parts thereof, may be contracted or delegated to such water management district. Any powers, duties, and functions so delegated shall be carried out in accordance with the rules, regulations, and standards of the department. Nothing contained in this act shall be construed to adversely affect or divest any water management district of the power to levy ad valorem taxes.

A delegation pursuant to this section may be rescinded only if the secretary determines that such delegation is not being carried out in accordance with the rules of the department.

Section 72. Effective January 1, 1990, subsection (4) of section 161.041, Florida Statutes, is amended to read,

161.041 Permits required. --

(4) The department may, as a condition to the granting of a permit under this section, require mitigation, financial, or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contractual agreements to best assure compliance with any permit conditions. Such conditions shall be consistent with scientific assessments and recommendations made by the water management district in its regulation of surface water quality. The department may also require notice of the permit conditions required and the contractual agreements entered into pursuant to the provisions of this

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subsection to be filed in the public records of the county in
which the permitted activity is located.

Section 73. Effective January 1, 1990, section 253.51,
Florida Statutes, is amended to read:

253.51 Oil and gas leases on state lands by the board
of trustees.--The Board of Trustees of the Internal
Improvement Trust Fund is hereby authorized and empowered to
negotiate, sell, and convey leasehold estates in and to lands
the title to which is vested in any state board, department or
agency thereof or lands the title to which is vested in the
state with its control and management in any such board,
department or agency, for the purpose of the development
thereof, and the production therefrom, of oil and gas, to any
person, firm, corporation or association authorized to do
business in the state, upon such terms and conditions as may
be agreed upon by the contracting parties, not inconsistent
with law and the provisions of the chapter. Where oil and gas
leases involve sovereign submerged land or wetland areas
within the jurisdiction of the water management districts,
scientific assessments and recommendations of their technical
staff shall be binding in the evaluation of the terms and
conditions of the lease.

Section 74. Effective January 1, 1990, subsection (3)
of section 378.402, Florida Statutes, is amended to read:

378.402 Legislative findings and intent.--
(3) The Legislature recognizes that where possible and
feasible the department should enter into memoranda of
understanding to eliminate duplication and maximize the
effectiveness of the regulatory process in the management and
protection of our natural resources. Duplication of
regulation for wetlands as defined in this chapter shall be

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1 eliminated by the binding acceptance of scientific assessments 
and recommendations made by the water management districts in 
the reclamation performance standards. 

Section 75. Effective January 1, 1990, subsection (3) 
of section 378.503, Florida Statutes, is amended to read: 

378.503 Limestone reclamation performance standards.-- 
(3) Reclamation shall achieve the stormwater, 
drainage, wetlands, and other surface and ground water 
management requirements of the Department of Environmental 
Regulation and the appropriate water management district. 

Scientific assessments and recommendations made as a part of 
such requirements shall be binding in setting performance 
standards. 

Section 76. Effective January 1, 1990, subsection (1) 
of section 378.803, Florida Statutes, is amended to read: 

378.803 Other resources reclamation performance standards.-- 

(1) Reclamation shall achieve the stormwater, 
drainage, wetlands, and other surface and groundwater 
requirements of the Department of Environmental Regulation and 
the appropriate water management district. Scientific 
assessments and recommendations made as a part of such 
requirements shall be binding in setting performance 
standards. 

Section 77. The introductory paragraph of section 
403.851, Florida Statutes, is amended to read: 

403.851 Declaration of policy; intent.--It is the 
policy of the state that the citizens of Florida shall be 
assured of the availability of safe drinking water. 
Recognizing that this policy encompasses both environmental 
and public health aspects, it is the intent of the Legislature
to provide a water supply program operated jointly by the Department of Environmental Regulation. This program may be delegated to a county health department or a local pollution control program under s. 403.182. In a lead-agency role of primary responsibility for the program, and by the Department of Health and Rehabilitative Services and its units, including county health departments, in a supportive role with specific duties and responsibilities of its own. Without any relinquishment of Florida's sovereign powers and responsibilities to provide for the public health, public safety, and public welfare of the people of Florida, the Legislature intends:

Section 78. Subsection (1) of section 403.852, Florida Statutes, is amended to read:

403.852 Definitions.--As used in ss. 403.850-403.864:
1) "Department" means the Department of Environmental Regulation, which is charged with the primary responsibility for the administration and implementation of the Florida Safe Drinking Water Act.

Section 79. The introductory paragraph of section 403.855, Florida Statutes, is amended to read:

403.855 Imminent hazards.--In coordination with the Department of Health and Rehabilitative Services, The department, upon receipt of information from the Department of Health and Rehabilitative Services or other sources that a contaminant which is present in, or is likely to enter, public or private water supplies may present an imminent and substantial danger to the public health, may take such actions as it may deem necessary in order to protect the public health. Department actions shall include, but are not limited to:

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Section 80. Section 403.856, Florida Statutes, is amended to read:

403.856 Plan for emergency provision of water.—The department shall adopt an adequate plan, after consultation with the Department of Health and Rehabilitative Services, for the provision of safe drinking water under emergency circumstances. When, in the judgment of the department, emergency circumstances exist in the state with respect to a need for safe drinking water, it may issue such rule or order as it may deem necessary in order to provide such water where it would not otherwise be available.

Section 81. Section 403.857, Florida Statutes, is amended to read:

403.857 Notification of users and regulatory agencies.—Whenever a public water supply system
(1) Is not in compliance with the state primary and secondary drinking water regulations;
(2) Fails to perform monitoring required by rules or regulations adopted by the department;
(3) Is subject to a variance granted for an inability to meet a maximum contaminant level requirement;
(4) Is subject to an exemption; or
(5) Fails to comply with the requirements prescribed by a variance or exemption,
the owner or operator of the system shall, as soon as practicable, notify the local public health departments or local pollution control program, the department, and the communications media serving the area served by the system of that fact and of the extent, nature, and possible health effects of such fact. Such notice shall also be given by the...
owner or operator of the system by publication in a newspaper
of general circulation, as determined by the department,
within the area served by such water system at least once
every 3 months as long as the violation, variance, or
exemption continues. Such notice shall also be given with the
water bills of the system as long as the violation, variance,
or exemption continues, as follows: if the water bills of a
public water system are issued at least as often as once every
3 months, such notice shall be included in at least one water
bill of the system for each customer every 3 months; if the
system issues its water bills less often than once every 3
months, such notice shall be included in each of the water
bills issued by the system for each customer. However, the
provisions of this section notwithstanding, the department may
prescribe by rule reasonable alternative notice requirements.

Section 82. Section 403.858, Florida Statutes, is
amended to read:

403.858 Inspections.—Any duly authorized
representative of the department or of the Department of
Health and Rehabilitative Services may enter, take water
samples from, and inspect any property, premises, or place,
except a building which is used exclusively for a private
residence, on or at which a public water system is located or
is being constructed or installed, at any reasonable time, for
the purpose of ascertaining the state of compliance with the
law or with rules or orders of the department.

Section 83. Subsection (4) of section 403.859, Florida
Statutes, is amended to read:

403.859 Prohibited acts.—The following acts and the
causing thereof are prohibited and are violations of this act:

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(4) Failure by a supplier of water to allow any duly authorized representative of the department or of the Department of Health and Rehabilitative Services to conduct inspections pursuant to s. 403.858.

Section 84. Subsections (9), (10), and (14) of section 403.861, Florida Statutes, are amended, and subsections (20) through (26) are added to said section, to read:

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(9) Require department or county health department or local pollution control program review and approval of complete plans and specifications prior to the installation, operation, alteration, or extension of any public water system.

(10) Establish and maintain laboratories for radiological, microbiological, and chemical analyses of water samples from public water systems, which are submitted to such laboratories for analysis. Copies of the reports of such analyses and quarterly summary reports shall be submitted to the department if the department determines that an additional laboratory capability beyond that provided by the Department of Health and Rehabilitative Services is necessary.

(14) Establish and collect fees for conducting state laboratory analyses as may be necessary, to be collected and used by either the department or the Department of Health and Rehabilitative Services in conducting its public water supply laboratory functions.

(20) Require each delegated program to:

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(a) Collect such water samples for analysis as may be required by the terms of this part, from public water systems within its jurisdiction.

(b) Submit the collected water samples to the appropriate laboratory for analysis.

(c) Maintain reports of analyses for its own records.

(d) Conduct complaint investigation of public water systems to determine compliance with federal, state, and local standards and permit compliance.

(e) Notify the appropriate department office of potential violations of federal, state, and local standards and permit conditions by public water systems and assist the department in enforcement actions with respect to such violations to the maximum extent practicable.

(f) Review and evaluate laboratory analyses of water samples from private water systems.

(g) Require delegated programs to:

(a) Review and evaluate each application for the construction, modification, or expansion of a public water system to determine compliance with federal, state, and local requirements. Upon completion of such review and evaluation, the application shall be forwarded to the department for final action.

(b) Review, evaluate, and approve or disapprove applications for the expansion of distribution systems. Written notification of action taken on such applications shall be forwarded to the department.

(c) Maintain inventory, operational, and bacteriological records and carry out monitoring, surveillance, and sanitary surveys of public water systems to
ensure compliance with federal, state, and local regulations.

(4) Participate in educational and training programs relating to drinking water and public water systems.

(22) Require delegated programs to:

(a) Perform bacteriological analyses of water samples submitted for analysis.

(b) Submit copies of the reports of such analyses to the department.

(23) Make available to the central and branch laboratories funds sufficient, to the maximum extent possible, to carry out the public water supply functions and responsibilities required of such laboratories as provided in this section.

(24) Have general supervision and control over all private water systems and all public water systems not covered or included in this part.

(25) Assist state and local agencies in the determination and investigation of suspected waterborne disease outbreaks, including diseases associated with chemical contaminants.

(26) Upon request, consult with and advise any county or municipal authority as to water supply activities.

Section 85. Subsections (1), (2), (3), and (5) of section 403.863, Florida Statutes, are amended to read:

403.863 State public water supply laboratory certification program.--

(1) Within 120-days-of-the-effective-date-of-this-act, the department and the Department of Health and Rehabilitative Services shall jointly develop a state program and the department of Health and Rehabilitative Services shall adopt rules for the evaluation and certification of all laboratories.

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in the state, other than the principal state laboratory, which
perform or make application to perform analyses pursuant to
the Florida Safe Drinking Water Act. Such joint-development
shall be funded in part through the use of a portion of the
State Public Water Systems Supervision Program grants received
by the department from the Federal Government in order to
implement the Federal Act.

(2) The Department of Health and Rehabilitative
Services shall have the responsibility for the operation and
implementation of the state laboratory certification program,
except that, upon completion of the evaluation and review of
the laboratory certification application, the evaluation shall
be forwarded, along with recommendations, to the department
for review and comment, prior to final approval or
disapproval.

(3) When the department delegates responsibility for
the operation and implementation of the state laboratory
certification program to a county health unit or local
pollution control program under s. 403.182, the department
shall also transfer funds necessary to support the program.

Any federal grant funds received by the department for the
operation and implementation of the state laboratory
certification program shall be transferred to the Department
of Health and Rehabilitative Services by interagency agreement
between the two departments. Such agreement shall require the
Department of Health and Rehabilitative Services to provide
the department with a quarterly accounting of the funds
transferred.

(5) For the purposes of this section, the term
"principal state laboratory" means the central laboratory of
the department of Health and Rehabilitative Services.

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Section 86. Section 403.8635, Florida Statutes, is amended to read:

403.8635 State drinking water sample laboratory certification program.--

(1) In addition to certifying laboratories pursuant to s. 403.863, the department of Health-and-Rehabilitative Services is authorized to establish a periodic certification and approval program for laboratories that perform analyses of drinking water samples, which program will assure the acceptable quality, reliability, and validity of all testing results.

(2) The department of Health-and-Rehabilitative Services has the responsibility for the operation and implementation of laboratory certification pursuant to this section, except that upon completion of the evaluation and review of an application for laboratory certification, the evaluation shall be forwarded, along with recommendations, to the Department of Environmental Regulation for review and comment prior to final approval or disapproval.

(3) The department of Health-and-Rehabilitative Services is authorized to charge and collect fees for the evaluation and certification of laboratories pursuant to this part. The fee schedule shall be based on the number of analytical functions for which certification is sought. Such fees shall be sufficient to meet the costs incurred by the department of Health-and-Rehabilitative Services in the administration and operation of this program. All fees shall be deposited in a trust fund administered by the Department of Health-and-Rehabilitative Services to be used for the sole purpose of this section.
Section 87. Section 403.864, Florida Statutes, is amended to read:

403.864 Public water supply accounting program.--

1. It is the intent of the Legislature to require a yearly accounting of funds, overhead, personnel, and property used by the department and the Department of Health and Rehabilitative Services and its units, including each of the county health departments or delegated programs, in conducting their respective responsibilities for the state public water supply program. Such accounting shall be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by the department and the Department of Health and Rehabilitative Services no later than February 1 of each year. The first accounting shall be due by February 1, 1979, and shall cover the state fiscal year 1978-1979.

2. In furtherance of this intent, the Department of Health and Rehabilitative Services, the department, and the Auditor General shall jointly develop an accounting program for use by the department and the Department of Health and Rehabilitative Services and its units, including the county health departments and delegated programs, to determine the funds, overhead, personnel, and property used by the department each of the departments in conducting its respective public water supply functions and responsibilities for each fiscal year. The accounting program shall provide information sufficient to satisfy state auditing and federal grant and aid reporting requirements and shall include provisions requiring the Department of Health and Rehabilitative Services to:

- Segregate from an accounting standpoint funds distributed to county health departments for public water supply functions.

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supply-functions-from-other-county-health-department-trust

funds:

Segregate-from-an-accounting-standpoint-funds
distributed-to-the-central-and-branch-laboratories-of-the
Department-of-Health-and-Rehabilitative-Services-for-public
water-supply-functions-from-other-laboratory-funds:

Require-each-county-health-department-the-central
and-each-branch-laboratory-of-the-Department-of-Health-and
Rehabilitative-Services-and-any-other-entity-of-the
Department-of-Health-and-Rehabilitative-Services-involved-in
and-carrying-out-public-water-supply-functions-to-account-to
the-Department-of-Health-and-Rehabilitative-Services-on-a
semannual-basis-for-the-funds-received-from-whatever-source,
and-used-for-public-water-supply-functions:

Require-each-county-health-department-the-central
and-each-branch-laboratory-of-the-Department-of-Health-and
Rehabilitative-Services-and-any-other-entity-of-the
Department-of-Health-and-Rehabilitative-Services-involved-in
carrying-out-public-water-supply-functions-either-wholly-or
partially-with-funds-either-federal-or-state,-received-from
the-department-through-an-interagency-agreement-or-other-means
to-account-to-the-department-on-a-semannual-basis-for-such
funds-received-and-used-for-public-water-supply-functions:

Section 88. Section 403.862, Florida Statutes, is
hereby repealed.

Section 89. Section 381.261, Florida Statutes, is
amended to read:

381.261 Supervision; private and certain public water
systems and individual sewage disposal systems.--The
Department of Health and Rehabilitative Services and its
agents shall have general supervision and control over all

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private water systems, public water systems not covered or included in the Florida Safe Drinking Water Act (ss. 403.850-403.864) and individual sewage disposal systems and other aspects-of-the-public-water-supply-program-for-which-it-has the-duties-and-responsibilities-provided-for-in-ss.-403.862-403.864.

Section 90. Subsection (9) of section 380.06, Florida Statutes, is amended, and paragraph (h) is added to subsection (15) of said section, to read:

380.06 Developments of regional impact.--
(9) CONCEPTUAL AGENCY REVIEW.--
(1) In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits, all developers shall undergo a developer-may-elect-to-request conceptual agency review under this subsection either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, unless the developer withdraws from conceptual agency review by giving written notice to the regional planning council no later than 90 days or subsequent to a preapplication conference held pursuant to subsection (7).

2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.

3. All agencies that may require a permit shall participate in conceptual agency review, and such agencies

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shall participate in the preapplication conference. The regional planning council shall notify all affected permitting agencies of scheduled preapplication conferences. The developer may also notify permitting agencies and request their participation.

4. As a part of the application for development approval, the developer shall complete the application for conceptual approval or for a construction or operation permit for each permitting agency designated by the regional planning council to participate in the conceptual review process. The developer shall file the application for development approval and all agency applications as prescribed in subsection (10).

The developer shall forward the agency applications to the respective permitting agencies within 10 days thereafter. The regional planning council shall conduct at least one meeting of all reviewing agencies between 45 and 60 days after the application is filed to review the agencies' proposed actions.

5. If a reviewing agency determines that the conceptual review application is insufficient, it may request additional information from the developer. However, the 90-day time period specified in s. 120.60(2) shall not be tolled. The developer may provide the information or any part thereof or inform the agency that it will not furnish the information. The extent of agency review shall depend upon the amount of information provided to the agency.

6. No later than 40 days after the regional planning council sends notice to the local government as required by paragraph (10)(g), the agency shall forward a report to the appropriate regional planning council setting out the agency's conclusions on potential development impacts and stating whether the agency has granted conceptual approval or intends...
to grant conceptual approval, with or without conditions, or
to deny conceptual approval. If the agency intends to deny
conceptual approval, the report shall state the reasons
therefor.

7. If the agency report states that the agency granted
conceptual approval, or has issued an intent to grant
conceptual approval, the regional planning council may comment
on the regional implications of the conceptual approval but
may not make conflicting recommendations or findings. The
regional planning council shall forward all agency reports to
the local government with the regional report rendered
pursuant to subsection (12). In considering the criteria of
subsection (14) for issuance of a development order, the local
government shall be guided by conceptual agency approval or
permit on issues within the agency's jurisdiction. The
conditions of the development order shall be consistent with
the agency report unless the conditions would conflict with
the local government's adopted comprehensive plan or land
development regulations.

8. Conceptual agency review is a licensing action
subject to chapter 120, and approval or denial constitutes
final agency action, except that the 90-day time period
specified in s. 120.60(2) shall be tolled for the agency when
the affected regional planning agency requests information
from the developer pursuant to paragraph (10)(b). If the
reviewing agency fails to complete conceptual review within
the time period specified in s. 120.60(2), the conceptual
approval shall be deemed approved in accordance with s.
120.60(2). If proposed agency action on the conceptual
approval is the subject of a proceeding under s. 120.57, final
agency action shall be conclusive as to any issues actually
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raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under s. 120.57 on the proposed development by any parties to the prior proceeding. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.

2. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.

(b) By July 1, 1986, the Department of Environmental Regulation, each water management district, and other state or regional agencies that require construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their respective regulatory jurisdictions:

1. The construction and operation of potential sources of water pollution, air pollution, and hazardous waste including-industrial-wastewater, domestic-wastewater-and stormwater.

2. Dredging and filling activities.

3. The management and storage of surface waters.

4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph 8 3.

Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.

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(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.

2. Each agency shall cooperate with the state land planning agency to standardize, to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.

4(d)-At the conclusion of the conceptual agency review, the agency shall give notice of its proposed agency action as required by s. 198.6033 and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development impacts and stating whether the agency intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefore. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.

(d)1(e) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review.

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approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency’s standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:

1. That a developer an applicant or his agent has submitted materially false or inaccurate information in the application for conceptual approval;
2. That the developer has violated a condition of the conceptual approval; or
3. That the development will cause a violation of the agency’s applicable laws or rules.

Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.

Nothing contained in this subsection shall be construed to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.

(g) The developer may, in his discretion, elect to submit a complete permit application and receive a full permit review concurrent with development-of-regional-impact review.

(h) If a developer obtains a conceptual approval prior to filing the application for development approval, or outside the conceptual review process established in this subsection, the provisions of subparagraph (a), shall not apply to the regional planning council report or the local government development order, provided, however, nothing in this section shall be deemed to nullify such prior conceptual approval, and no other right or benefit conferred under this chapter shall...
be affected by a developer's decision to withdraw from conceptual review under this section.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

(h) This chapter shall govern development review procedures and development order adoption. All development order conditions shall be based upon the local government's adopted local comprehensive plan or land development regulations. When a local comprehensive plan has been found to be in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, the local government shall not impose conditions on a development-of-regional-impact development that the local government could not impose on a similar non-development-of-regional-impact development.

Section 91. (1) The Department of Community Affairs is directed to revise the application for development approval and the procedural rules for development-of-regional-impact review under guidelines designed to update the types and level of information required to eliminate unnecessary information submittals. The department shall initiate rulemaking by October 1, 1988.

(2) This section shall take effect upon becoming a law.

Section 92. Except as otherwise provided herein, this act shall take effect October 1, 1988.
HOUSE SUMMARY

Revises various provisions relating to the management of the water resources of the state.

In the formulation of the state water use plan, requires the Department of Environmental Regulation to give due consideration to the promotion of both water conservation as an integral part of water management programs, rules, and plans and the use and reuse of water of the lowest acceptable quality for the purpose intended and to the development of innovative methods of water recycling, encouraged by incentives granted by the department.

Authorizes governing boards of water management districts to delegate powers and duties for administration of the Florida Water Resources Act of 1972 to county and municipal governments, under certain circumstances.

Provides for district remedies as an alternative to local enforcement of local provisions, and provides for consolidation of district and local lawsuits against the same party.

Provides that provisions relating to permit application fees of the water management districts and to permits issued by the Department of Environmental Regulation pursuant to a local pollution control program shall not affect the authority of any local government to establish fees related to permits, including, but not limited to, the authority to establish the amount of such fees.

Revises responsibilities with respect to the management of water resources under chapter 373, F.S. Gives the water management districts authority and responsibility for implementation and enforcement of provisions relating to the Florida Water Resources Act, consumptive use permitting, the regulation of water wells, and the management and storage of surface waters. Requires the Department of Environmental Regulation to adopt rules and review procedures as necessary to administer its supervision of the water management districts. See bill for details.

Provides that construction of a sewage treatment project which uses artificial recharge or the intentional introduction of water into an underground formation as a method of wastewater disposal shall be within the exclusive jurisdiction of the Department of Environmental Regulation rather than the local water management district. Provides that the department shall have exclusive jurisdiction over methods of wastewater disposal and the amount of water reuse required.

Directs the Board of Trustees of the Internal Improvement Trust Fund to adopt rules authorizing the respective water management districts, beginning January 1, 1990, to serve as agents for the board and to act in its behalf in granting riparian owners described easements, licenses, and leases. Provides that the board, on its own motion,

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1 may initiate review of such action by a water management
district. Provides that revenues derived from
application fees for the grant of easements, licenses,
and leases shall be divided between the water management
districts and the Internal Improvement Trust Fund in a
described manner.

2 Provides for transfer of jurisdiction over the Warren S.
Henderson Wetlands Protection Act of 1984 from the
Department of Environmental Regulation to the water
management districts, effective January 1, 1990. Directs
water management districts to adopt rules to consolidate
dredging and filling permitting criteria for wetlands
formerly protected under said act, and for certain other
isolated wetlands, with district rules relating to
surface water management and storage. Provides for
issuance of environmental permits for certain dredging
and filling projects, including construction or
maintenance of certain marinas, seawalls, transmission
lines, and navigation channels, by water management
districts rather than the Department of Natural
Resources. Provides for such transfer of
responsibilities by January 1, 1990, and provides for a
study to determine the advisability of transferring other
water programs to the water management districts.
Provides for issuance of permits for district projects by
the department.

5 Declares the intent of the Legislature that the discharge
of untreated stormwater is a source of water pollution
and requires regulation by water management districts.
Directs each water management district to adopt rules,
effective January 1, 1990, consolidating its rules
relating to management and storage of surface waters with
rules for the regulation of stormwater discharges.

9 Requires that conditions for coastal construction permits
issued by the Department of Natural Resources be
consistent with scientific assessments and
recommendations made by water management districts in
regulating surface water quality. Provides that where
oil and gas leases involve sovereign submerged lands or
wetland areas within the jurisdiction of the water
management districts, scientific assessments and
recommendations of the districts shall be binding in the
evaluation of the terms and conditions of the lease.
Provides that the districts' scientific assessments and
recommendations shall be binding in setting reclamation
performance standards with respect to the extraction of
limestone and other resources.

13 Revises the Florida Safe Drinking Water Act to provide
responsibility of the Department of Environmental
Regulation, and remove joint responsibility of the
Department of Health and Rehabilitative Services, for
operation of the state water supply program. Removes
duties and responsibilities of the Department of Health
and Rehabilitative Services with respect to: plans for
emergency provision of water; water sampling and
inspection of certain property; establishment of
laboratories for analysis of water samples; analysis of

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samples from the public water supply system; the state public water supply laboratory certification program; and the public water supply accounting program. Authorizes delegation of certain responsibilities by the Department of Environmental Regulation to county health departments or local pollution control programs. Provides for transfer of certain funds for delegated programs. See bill for details.

Amends and revises growth management provisions which relate to developments of regional impact and the conceptual agency review of development approval concurrently with the development-of-regional-impact review. Directs the Department of Community Affairs to revise certain procedures. See bill for details.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.
A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; revising standards and procedures used to determine if a proposed change constitutes a substantial deviation; amending s. 380.0651, F.S.; revising the standard used to determine if a multi-use development is required to undergo development-of-regional-impact review; providing an effective date.

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

Section 1. Subsection (19) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—
(19) SUBSTANTIAL DEVIATIONS.—
(a) Any proposed change to a previously approved development which creates 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, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review.
(b) A proposed change to a previously approved development of regional impact or development order condition which either individually or cumulatively meets or exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

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

2. A new runway, a new terminal facility, a 10-percent expansion to an existing runway, or a 20-percent increase in the floor area of an existing terminal.

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

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

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

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

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

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.
9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by 6 acres of land area or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or 5 percent, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

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

14. A proposed increase to an approved multi-use development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

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

16. A change proposed for 15 percent or more of the acreage of an approved development of regional impact to a land use not previously approved in the development order.

17. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including

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habitat for plant and animal species, archaeological and
historical sites, dunes, and other such special areas.

18. A proposed change consisting of simultaneous
increases and decreases of at least two of the uses within an
authorized multi-use development of regional impact which was
originally approved with three or four of the types of uses
specified in paragraphs 380.0651(3)(c), (d), (f), and (g) only
if the regional impacts of the change exceed the adverse
regional impacts of the originally authorized development or
the project as changed creates regional impacts which were not
previously reviewed by the regional planning agency.

(c) An extension of the date of buildout of a
development by 5 or more years shall be presumed to create a
substantial deviation subject to further development-of-
regional-impact review. The presumption may be rebutted by
clear and convincing evidence at the public hearing held by
the local government. For the purpose of calculating when a
buildout date has been exceeded, the time shall be tolled
during the pendency of administrative or judicial proceedings
relating to development permits.

(d) A proposed change which does not meet or exceed
any of the criteria listed in paragraph (b) shall be presumed
not to create a substantial deviation subject to further
development-of-regional-impact review. The presumption may be
rebutted by clear and convincing evidence at the public
hearing held by the local government.

2. A change in the plan of development of an approved
development of regional impact resulting from requirements
imposed by the Department of Environmental Regulation, the
Department of Natural Resources, or any water management
district created by s. 373.069 or any of their successor

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agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(a). A proposed change which individually or cumulatively is equal to or less than any of the criteria listed in paragraph (b) or which involves an extension of the date of buildout of a development of less than 5 years as provided in paragraph (c) shall not create a substantial deviation subject to further development-of-regional-impact review.

2. A change to a development order condition identified as a local issue in the regional report required by subsection (2) or identified as a local issue in the development order shall not create a substantial deviation subject to further development-of-regional-impact review.

3. Changes to development orders pursuant to subparagraphs 1. and 2. shall not be subject to appeal pursuant to s. 380.07, but shall be reported to the regional planning agency and the state land planning agency for informational purposes.

4. (e) Any report submitted of a proposed change to a previously approved development granted by a local government pursuant to this paragraph shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively

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exceed the criteria listed in paragraphs (b) and (c)

constitute a substantial deviation requiring further
development-of-regional-impact review.

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

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

3. No sooner than 30 days but no later than 45 days
after submittal by the developer to the local government, the
state land planning agency, and the appropriate regional
planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change
that the developer asserts does not create a substantial
deviation.

4. The appropriate regional planning agency or the
state land planning agency shall review the proposed change
and may, in its discretion and within 30 days of submittal by
the developer of the request for approval of a change, advise
the local government of its intention to participate at the
public hearing before the local government. A change which is
subject to the substantial-deviation criteria specified in
subparagraph (b)1B. shall not be subject to this requirement.

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At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) shall be applicable in determining whether further development-of-regional-impact review is required.

If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approvable pursuant to its local land development regulations approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, neither the regional planning agency nor the state land planning agency may appeal the local government decision if neither participated at the local hearing, unless the approved change is subject to the substantial-deviation criteria specified in subparagraph (b)18.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.
2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the criteria set forth in subsection (12) and in subsection (13) or subsection (14), whichever is applicable.

3. If the local government determines that the proposed change as it relates to the entire development should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

   (h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

Section 2. Paragraph (i) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.--
(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Multi-use development.—Any proposed development with two or more land uses under common ownership, development plan, advertising, or management where the sum of the percentages of the appropriate thresholds identified in chapter 27F-2, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160% percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

Section 3. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

HOUSE SUMMARY
Revises standards and procedures used to determine if a proposed change to a previously approved development of regional impact or development order condition constitutes a substantial deviation subject to further review. Revises the standard used to determine if a multi-use development is required to undergo development-of-regional-impact review.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

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CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled
An act relating to development activities;
amending s. 380.06, F.S.; providing
requirements for final development orders;
providing requirements and criteria for
substantial deviations from approved
development activities; providing requirements
for vested rights after a certain date;
providing an exemption from review for certain
existing sports facility complexes owned by a
state university; providing requirements for
areawide developments undertaken by local
governments; amending s. 380.061, F.S.;
providing requirements for the Florida Quality
Developments Program; amending s. 380.0651,
F.S.; providing statewide guidelines and
standards for developments required to undergo
development-of-regional-impact review; amending
s. 380.0662, F.S.; providing definitions;
amending s. 380.0666, F.S.; providing powers of
the land authority; amending s. 380.0667, F.S.;
providing for purchases by the land authority
at appraised value under certain conditions;
amending s. 380.0668, F.S.; providing for the
issuance of revenue bonds and providing certain
requirements; amending s. 380.0669, F.S.;
providing for state and local government
liability on bonds; amending s. 380.0685, F.S.;
providing for use of certain state park
admission revenue by a land authority;
providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (5) of section 380.06, Florida Statutes, and subsections (19), (20), (24) and paragraph (e) of subsection (25) of said section are amended to read:

380.06 Developments of regional impact.--
(5) AUTHORIZATION TO DEVELOP.--
(c) With regard to final development orders issued after the effective date of this act, the developer may elect, as part of his application, to require that the rules adopted pursuant to chapters 401 and 373 in effect when such a development order is issued be applicable to applications for permits authorizing development in accordance with the final development order, except that a later established rule shall be applied to such application if:
  1. The later established rule is determined by the agency to be essential to the public health, safety, or welfare;
  2. The later established rule covers an area of the state or subject that was addressed by the rules in existence at the time of issuance of the development order; or
  3. The later established rule is required by state or federal law or is necessary to implement a required state or federal program.

However, this paragraph does not apply to applications submitted after 5 years from the issuance of the final development order or to permits which are or will be in effect more than 7 years from the issuance of the final development order. Nothing in this paragraph shall be construed to alter...
or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

(19) SUBSTANTIAL DEVIATIONS.--

(a) Any proposed change to a previously approved development which creates 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, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review.

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

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

2. A new runway, a new terminal facility, a 10-percent expansion to an existing runway, or a 20-percent increase in the floor area of an existing terminal.

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

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

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

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

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

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

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

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

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.
13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. A proposed increase to an approved multi-use development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

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

16. A change proposed for 15 percent or more of the acreage of an approved development of regional impact to a land use not previously approved in the development order.

17. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other such special areas.

18. A proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multi-use development of regional impact which was originally approved with three or four of the types of uses specified in paragraphs 380.0651(3)(c), (d), (f), and (g) only if the regional impacts of the change exceed the adverse regional impacts of the originally authorized development or the project as changed creates regional impacts which were not previously reviewed by the regional planning agency.
(c) An extension of the date of buildout of a development by 5 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout of 3 years or more but less than 5 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. For the purpose of calculating when a buildout date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits.

(d) A proposed change which does not meet or exceed any of the criteria listed in paragraph (c) shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

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changes, is equal to or exceeds 40 percent of any numerical
criterion in subparagraphs (b)1.-16., but which does not
exceed such criterion, shall be presumed not to create a
substantial deviation subject to further development-of-
regional-impact review. The presumption may be rebutted by
clear and convincing evidence at the public hearing held by
the local government pursuant to subparagraph (f)5.

2. Except for a development order rendered pursuant to
subsection (22) or subsection (25), a proposed change which,
either individually or, if there were previous changes,
cumulatively with those changes, is less than 40 percent of
any numerical criterion in subparagraphs (b)1.-16. and does
not exceed any other criterion, or which involves an extension
of the date of buildout of a development by less than 3 years,
is not a substantial deviation and is not subject to a public
hearing pursuant to subparagraph (f)3. or a determination
pursuant to subparagraph (f)3. Notice of the change shall be
made to the regional planning council and the state land
planning agency by providing them with the information
required in subparagraph 4., including appropriate amendments
to the development order, on forms to be adopted by the state
land planning agency by rule.

3. Any addition of land not previously reviewed or any
change not specified in paragraph (b) or paragraph (c) shall
be presumed to create a substantial deviation. This
presumption may be rebutted by clear and convincing evidence.

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

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

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

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government. A change which is subject to the substantial-deviation criteria specified in subparagraph (b)18. shall not be subject to this requirement.

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

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs (f)(3) and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, neither the regional planning agency nor the state land planning agency may appeal the local government decision if neither participated at the local hearing, unless the approved change is subject to the substantial-deviation criteria specified in subparagraph (b)18. Neither the state land planning agency nor the regional planning agency may appeal a change to a development order made pursuant to subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

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(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change as it relates to the entire development should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be subject to the hearing and appeal provisions of s. 380.07.

The state land planning agency or the appropriate regional CODING: Words stricken are deletions; words underlined are additions.
planning agency need not participate at the local hearing in
order to appeal a local government development order issued
pursuant to this paragraph.

(20) VESTED RIGHTS.--Nothing in this section shall
limit or modify the rights of any person to complete any
development that has been authorized by registration of a
subdivision pursuant to chapter 498, by recordation pursuant
to local subdivision plat law, or by a building permit or
other authorization to commence development on which there has
been reliance and a change of position and which registration
or recordation was accomplished, or which permit or
authorization was issued, prior to July 1, 1973. If a
developer has, by his actions in reliance on prior
regulations, obtained vested or other legal rights that in law
would have prevented a local government from changing those
regulations in a way adverse to his interests, nothing in this
chapter authorizes any governmental agency to abridge those
rights.

(a) For the purpose of determining the vesting of
rights under this subsection, approval pursuant to local
subdivision plat law, ordinances, or regulations of a
subdivision plat by formal vote of a city or municipal
governmental body having jurisdiction after August 1, 1967,
and prior to July 1, 1973, is sufficient to vest all property
rights for the purposes of this subsection; and no action in
reliance on, or change of position concerning, such local
governmental approval is required for vesting to take place.
Anyone claiming vested rights under this paragraph must so
notify the department in writing by January 1, 1986. Such
notification shall include information adequate to document
the rights established by this subsection. When such

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notification requirements are met, in order for the vested rights authorized pursuant to this paragraph to remain valid after June 30, 1990, development of the vested plan must be commenced prior to that date upon the property that the state land planning agency has determined to have acquired vested rights following the notification or in a binding letter of interpretation any commencing of development upon which there has been reliance and change of position shall vest the applicant's rights until June 30, 1990. When the notification requirements have not been met, the vested rights authorized by for this paragraph section shall expire June 30, 1986, unless development commenced prior to that date.

(b) For the purpose of this act, the conveyance of, or the agreement to convey, property to the county, state, or local government as a prerequisite to zoning change approval shall be construed as an act of reliance to vest rights as determined under this subsection, provided such zoning change is actually granted by such government.

(24) STATUTORY EXEMPTIONS.--

(a) Any proposed hospital which has a designed capacity of not more than 100 beds is exempt from the provisions of this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from the provisions of this section, except any steam or solar electrical generating facility of less than 50 megawatts in capacity attached to a development of regional impact.

(c) Any proposed addition to an existing sports facility complex is exempt from the provisions of this section if the addition meets the following characteristics:

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1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to the effective date of this act to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 15 percent of the capacity of the existing facility.

(25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT. --

(e) The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. In addition to the public hearing notice by the local government, the petitioner, except when the petitioner is a local government, shall provide actual notice to each person owning land within the proposed areawide development plan at least 30 days prior to the hearing. If the petitioner is a local government, or local governments pursuant to an interlocal agreement, notice of the public hearing shall be provided by the publication of an advertisement in a newspaper of general circulation that meets the requirements of this paragraph. The advertisement must be no less than one-quarter page in a standard size or tabloid size newspaper, and the headline in the advertisement must be in type no smaller than 18 point. The advertisement shall not be published in that portion of the newspaper where legal notices and classified CODING: Words stricked are deletions; words underlined are additions.
advertisements appear. The advertisement must be published in a newspaper of general paid circulation in the county and of
general interest and readership in the community, not one of
limited subject matter, pursuant to chapter 35. Whenever
possible, the advertisement must appear in a newspaper that is
published at least 5 days a week, unless the only newspaper in
the community is published less than 5 days a week. The
advertisement must be in substantially the form used to
advertise amendments to comprehensive plans pursuant to s.
163.3184. The local government shall specifically notify in
writing the regional planning agency and the state land
planning agency at least 30 days prior to the public hearing.
At the public hearing, all interested parties may testify and
submit evidence regarding the petitioner's qualifications, the
need for and benefits of an areawide development of regional
impact, and such other issues relevant to a full consideration
of the petition. If more than one local government has
jurisdiction over the defined planning area in an areawide
development plan, the local governments shall hold a joint
public hearing. Such hearing shall address, at a minimum, the
need to resolve conflicting ordinances or comprehensive plans,
if any. The local government holding the joint hearing shall
comply with the following additional requirements:

1. The notice of the hearing shall be published at
least 60 days in advance of the hearing and shall specify
where the petition may be reviewed.

2. The notice shall be given to the state land
planning agency, to the applicable regional planning agency,
and to such other persons as may have been designated by the
state land planning agency as entitled to receive such
notices.

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3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

Section 2. Subsections (1), (2), (3), (4), (5), and (8) of section 380.061, Florida Statutes, are amended to read:

380.061 Florida's Quality Developments program.--

(1) There is hereby created the Florida Florida's Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. It is further intended that the developer be provided, through a cooperative and coordinated effort, an expeditious and timely review by all agencies with jurisdiction over the project of his proposed development.

(2) Developments which may be designated as Florida Florida's Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development-of-regional-impact review pursuant to s. 380.06.

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment with the Board of Trustees of the Internal Improvement Trust Fund, or to the appropriate water-management district created pursuant to chapter 393, to donate the fee or a lesser interest sufficient to protect in perpetuity the natural attributes of the following types of land listed below. In lieu of the above requirement, the developer may enter into a

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binding commitment which runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for the purpose of passive recreation which is consistent with the purposes for which the land was preserved.

a. Wetlands and water bodies within the jurisdiction of the Department of Environmental Regulation pursuant to s. 403.8171. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities to the extent that such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Regulation which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system. This requirement may be waived where the department asserts jurisdiction over manmade canals or other artificially created water bodies and the developer proposes a plan to redesign them in a manner which will more nearly approach a naturally functioning system—The developer may use such areas for the purpose of stormwater or domestic sewage management to the extent that such use is permitted pursuant to chapter 403.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain
elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources Archives-History-and-Records-Management of the Department of State.

d. Areas Habitat known to be important to animal species designated as significant-to-one-or-more endangered or threatened plant-and animal species designated by the United States Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission, for reproduction, feeding, or nesting, for traveling between such areas used for reproduction, feeding, or nesting, or for escape from predation.

e. Areas known to contain plant species designated as endangered plant species by or the Department of Agriculture and Consumer Services.

In lieu of the above requirement in this subparagraph the developer may enter into a binding commitment which runs with the land to set aside such areas on the property as open space to be retained in a natural condition in perpetuity:

2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental Regulation or the Department of Agriculture and Consumer Services. This subparagraph is not intended to apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

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3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or outstanding Florida waters, except as activities in those waters are permitted pursuant to s. 403.813(2) and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, will be available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved regional comprehensive plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter...
163. infrastructure-and-phase-the-development-to-ensure-that
    public-infrastructure-will-be-operational-when-needed;

7. Enter-into-a-binding-commitment-with-the-state-and
planning-agency-to Design and construct the development in a
manner which is consistent with the adopted state plan, the
state land development plan, the applicable comprehensive
regional policy plan, and the applicable adopted local
government comprehensive plan.

(b) In addition to the foregoing requirements, the
developer shall plan and design his
development in a manner which includes the needs of the people
in this state as identified in the state comprehensive plan
considers-innovative-design and the quality of life of the
people who will live and work in or near the development. The
developer is encouraged to plan and design his development in
an innovative manner. These planning and design features may
include, but are not limited to, such things as affordable
housing, care for the elderly, urban renewal or redevelopment,
mass transit, the protection and preservation of wetlands
outside the jurisdiction of the Department of Environmental
Regulation or of uplands as wildlife habitat, provision for
the recycling of solid waste, provision for onsite child care,
enhancement of emergency management capabilities, the
preservation of areas known to be primary habitat for
significant populations of species of special concern
designated by the Florida Game and Fresh Water Fish
Commission, or community economic development. These
additional amenities will be considered in determining whether
the development qualifies for designation under this program.

(4) The department shall adopt an application for
development designation consistent with the intent of this
Section. To apply for designation as one of Florida’s Quality Developments, the developer shall submit an application which consists of:

A series of large-scale maps which clearly depict the following information:

1. General location of the project;
2. Existing topography indicating the project boundaries and those areas prone to flooding during a 100-year storm event;
3. Existing land uses showing existing uses on and abutting the project site;
4. Soils for which a Soil Conservation Service soils survey may be used;
5. Vegetation associations indicating the total acreage of each association using a soil classification system;
6. The master drainage plan delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, and other major drainage features;
7. The proposed plan of development which shows at least the proposed land uses, the type and location and density of each activity, recreation and open space, retained natural areas, points of sewage discharge, landfill or other waste disposal sites, well sites, sewage treatment facilities, roads and other capital improvements, and additional information to give a full and complete depiction of the types and location of activities which will occur within the development; if the project will have a proposed completion date of greater than 10 years from the start of construction, this information shall include the planned project phasing.
Before filing an application for development designation, the developer shall contact the Department of Community Affairs to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.

(b) The developer shall submit the application to the state land planning agency, the appropriate regional planning agency, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in s. 120.60, except that the 90-day time limit shall cease to run when all three entities reviewing the

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project have notified the applicant of their decision on
whether the development should be designated under this
program.

(c) At any time prior to the issuance of the Florida
Quality Development development order, the developer of a
proposed Florida Quality Development shall have the right to
withdraw the proposed project from consideration as a Florida
Quality Development. The developer may elect to convert the
proposed project to a proposed development of regional impact.
The conversion shall be in the form of a letter to the
reviewing entities stating the developer's intent to seek
authorization for the development as a development of regional
impact under s. 380.06. If a proposed Florida Quality
Development converts to a development of regional impact, the
developer shall resubmit the appropriate application and the
development shall be subject to all applicable procedures
under s. 380.06, except that:

1. A preapplication conference held under paragraph
(a) satisfies the preapplication procedures requirement under
s. 380.06(7); and

2. If requested in the withdrawal letter, a finding of
completeness of the application under paragraph (a) and s.
120.60 may be converted to a finding of sufficiency by the
regional planning council if such a conversion is approved by
the regional planning council.

The regional planning council shall have 30 days to notify the
developer if the request for conversion of completeness to
sufficiency is granted or denied. If granted and the
application is found sufficient, the regional planning council
shall notify the local government that a public hearing date
may be set to consider the development for approval as a
development of regional impact, and the development shall be
subject to all applicable rules, standards, and procedures of
s. 380.06. If the request for conversion of completeness to
sufficiency is denied, the developer shall resubmit the
appropriate application for review and the development shall
be subject to all applicable procedures under s. 380.06,
except as otherwise provided in this paragraph.

(d) If all three reviewing entities agree that the
project should be designated under this program, the state
land planning agency shall issue a development order which
incorporates the plan of development as set out in the
application along with any agreed-upon modifications and
conditions, including recommendations by the local government
and regional planning council, and a certification that the
development is designated as one of Florida's Quality
Developments. In the event of conflicting recommendations,
the state land planning agency, after consultation with the
local government and the regional planning agency, shall
resolve such conflicts in the development order. Upon
designation, the development, as approved, is exempt from
development-of-regional-impact review pursuant to s. 380.06.

(e) If one or more of the reviewing entities
recommends against designation, the development shall undergo
development-of-regional-impact review pursuant to s. 380.06,
except as provided in subsection (6) of this section.

(f) Any local government comprehensive plan
amendments related to a Florida Quality Development may be
initiated by a local planning agency and considered by the
local governing body at the same time as the application for
development approval, using the procedures provided for local

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plan amendment in s. 163.3187 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.

(b) The department shall adopt, by rule, standards and procedures necessary to implement the Florida Quality Developments program.

Section 3. Paragraphs (e) and (i) of subsection (3) and subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.--

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

(e) Port facilities.--The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

1. a. The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

c. The wet or dry storage or mooring of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and

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Cabinet in the state marina siting plan as suitable for marina construction.

2.4. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraph l.a and l.b and subparagraph 2.

(i) Multi-use development.—Any proposed development with two or more land uses under common ownership-development plan-advertisings-or-management where the sum of the percentages of the appropriate thresholds identified in chapter 28-24 FLAR and this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.
(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other. The state land planning agency shall recommend to the Administration Commission specific criteria to be used in determining whether two or more developments shall be aggregated and treated as a single development under this act.

The Administration Commission shall adopt appropriate aggregation criteria by rule no later than March 31, 1988. The rule shall specify criteria that in addition to common ownership or majority interest, shall require that one or more of the following factors must exist: proximity, sharing of infrastructure, common advertising or management, or master plan or other corroborative documentation which includes each project in a unified plan of development.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

  1. a. The same person has retained or shared control of the developments;
  
  b. The same person has ownership or a significant legal or equitable interest in the developments; or
  
  c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

  2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series...
of plans or drawings for the other development which is indicative of a common development effort.

1. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general purpose government, water management district, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general purpose government, water management district, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, the Division of Florida Land Sales, Condominiums, and Mobile Homes, or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

(b) The following activities or circumstances shall not be considered in determining whether to aggregate two or more developments:

1. Activities undertaken leading to the adoption or amendment of any comprehensive plan element described in part II of chapter 163.
2. The sale of unimproved parcels of land, where the seller does not retain significant control of the future development of the parcels.

3. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.

4. Drainage improvements that are not designed to accommodate the types of development listed in the guidelines and standards contained in or adopted pursuant to this chapter or which are not designed specifically to accommodate the developments sought to be aggregated.

(c) Aggregation is not applicable when the following circumstances and provisions of this chapter are applicable:

1. Developments which are otherwise subject to aggregation with a development of regional impact which has received approval through the issuance of a final development order shall not be aggregated with the approved development of regional impact. However, nothing contained in this subparagaph shall preclude the state land planning agency from evaluating an allegedly separate development as a substantial deviation pursuant to s. 380.06(19) or as an independent development of regional impact.

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

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

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

(d) The provisions of this subsection shall be applied prospectively from September 1, 1988. Written decisions, agreements, and binding letters of interpretation made or issued by the state land planning agency prior to the effective date of this subsection shall not be affected by this subsection.

(e) In order to encourage developers to design, finance, donate, or build infrastructure, public facilities, or services, the state land planning agency may enter into binding agreements with two or more developers providing that the joint planning, sharing, or use of specified public infrastructure, facilities, or services by the developers shall not be considered in any subsequent determination of whether a unified plan of development ...ts for their developments. Such binding agreements may authorize the developers to pool impact fees or impact-fee credits, or to enter into front-end agreements, or other financing arrangements by which they collectively agree to design, finance, donate, or build such public infrastructure, facilities, or services. Such agreements shall be conditioned upon a subsequent determination by the appropriate local government of consistency with the approved local government comprehensive plan and land development regulations.
Additionally, the developers must demonstrate that the provision and sharing of public infrastructure, facilities, or services is in the public interest and not merely for the benefit of the developments which are the subject of the agreement. Developments that are the subject of an agreement pursuant to this paragraph shall be aggregated if the state land planning agency determines that sufficient aggregation factors are present to require aggregation without considering the design features, financial arrangements, donations, or construction that are specified in and required by the agreement.

(f) Pursuant to chapter 120, the state land planning agency shall adopt rules as necessary to implement this subsection.

(g) This subsection is repealed October 1, 1993, and shall be reviewed by the Legislature prior to that date.

Section 4. Subsection (10) of section 380.0662, Florida Statutes, is amended to read:

380.0662 Definitions.--As used in this act, unless the context indicates a different meaning or intent:

(10) “Pledged revenues” means revenues to be derived from s. 125.0108 or s. 380.0685, and any other revenues or assets that may be legally available to pay the principal of, redemption premium, if any, on, insurance and cash reserves for, and interest on the bonds derived from sources other than ad valorem taxation, including revenues from other sources or any combination thereof; however, in no event shall the full faith and credit of the state or any local government other than the land authority be pledged to secure such revenue bonds.

CODING: Words stricken are deletions; words underlined are additions.
Section 5. Subsection (3) of section 380.0666, Florida Statutes, is amended to read:

380.0666 Powers of land authority.--The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(3) To acquire and dispose of real and personal property or any interest therein when such acquisition is necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas, provide affordable housing to low-income or moderate income persons, as defined in s. 420.011, or provide access to management of acquired lands; to acquire interests in land by means of land exchanges; and to enter into all alternatives to the acquisition of fee interests in land, including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback arrangements. However, the land authority shall make such acquisition only if:

(a) Such acquisition is consistent with land development regulations and local comprehensive plans adopted and approved pursuant to this chapter;

(b) The property acquired is within an area designated as an area of critical state concern at the time of acquisition; and

(c) The property to be acquired has not been purchased within 1 year after being of-and-at-the-time-of acquisition--been selected for purchase through another local, regional, state, or federal public land acquisition program.

CODING: Words stricken are deletions; words underlined are additions.
Section 6. Subsection (2) of section 380.0667, Florida Statutes, is amended to read:

380.0667 Advisory committee: acquisitions.—

(2) The advisory committee shall prioritize land acquisitions each year according to the following:

(a) Any parcel of undeveloped land for which an option to purchase pursuant to paragraph (b) is given to the land authority prior to January 15, 1987, shall be given priority over all other acquisitions for which no such option is given, with further priority given to parcels of land that would have been developable but for the adoption of the approved comprehensive plan and land development regulations under s. 380.05.

(b) To qualify as an option under paragraph (a), such option shall:

1. Be for a period of at least 1 year.
2. Offer to sell for a net price to the offeror of no more than 115 percent of the property appraiser's last assessment prior to June 1, 1986, or, alternatively, offer to sell at no more than appraised value if approved by the property appraiser, if the appraiser is selected by the land authority and reimbursed by the offeror.
3. Contain a provision allowing the offeror to retain his priority, if the option is not executed within the term of the option, by renewing said option for one or more similar terms.

Section 7. Subsections (1), (3), and (12), paragraph (a) of subsection (4), paragraph (d) of subsection (5), and paragraph (a) of subsection (6) of section 380.0668, Florida Statutes, are amended to read:

CODING: Words struck are deletions; words underlined are additions.
380.0668 Bonds; purpose, terms, approval, limitations.--

(1) The issuance of revenue and other bonds, as defined in this act, to provide sufficient funds to achieve the purposes of this act; pay interest on bonds; pay expenses incident to the issuance and sale of any bond issued pursuant to this act, including costs of validating, printing, and delivering the bonds, printing the official statement, publishing notices of sale of the bonds, and related administrative expenses; and pay all other capital expenditures of the land authority incident to and necessary or convenient to carry out the purposes and powers granted by this act is authorized, subject and pursuant to the provisions of the State Constitution and the applicable provisions of this act and of the State Bond Act. Revenue bonds issued pursuant to this act, as so defined, shall be payable solely from pledged revenues.

(3) There shall be established from the proceeds of each issue of bonds a debt service reserve account in an amount at least equal to the greatest amount of principal and interest to become due on such issue in any ensuing state fiscal year or an amount at least equal to an average of the annual principal and interest, all as may be determined by the Division of Bond Finance; except that a reserve of a lesser amount may be established if the land authority, with the concurrence of the Division of Bond Finance, determines that such reserve, if any, will adequately protect the interests of bondholders. The land authority, with the concurrence of the division, is authorized to provide the use of an insurance policy or letter of credit in lieu of a debt service reserve account.
(4)(a) The provisions of the State Bond Act, including, without limitation, the definitions contained therein, shall be applicable to all bonds issued pursuant to this act, when not in conflict with the provisions hereof; however, the basis of award of sale of such bonds may be either the net interest cost or the true or effective interest cost, as set forth in the resolution authorizing the sale of such bonds. In cases of conflict, the provisions of this act shall be controlling. Solely for purposes of the State Bond Act, a land authority shall be defined as a state agency.

(5) Any resolution or resolutions authorizing any bonds issued on behalf of the land authority may contain provisions, without limitation, which shall be a part of the contract or contracts with the holders thereof, as to:

(d) Vesting in a trustee or trustees such property, rights, powers, and duties in trust as the resolution land authority may determine, which may include any or all of the rights, powers, and duties of the trustee appointed by the holders of bonds pursuant to this act, and limiting or abrogating the right of holders of bonds to appoint a trustee under this act or limiting the rights, powers, and duties of such trustee.

(6)(a) The bonds issued on behalf of the land authority shall be sold at public sale in the manner provided by the State Bond Act. However, if the division shall by resolution determine that a negotiated sale of the bonds is in the best interest of the land authority, the division may negotiate for sale of the bonds with the underwriter or underwriters designated by the division. In the resolution authorizing the negotiated sale, the division shall provide specific findings as to the reasons for the negotiated sale.
The reasons shall include, but shall not be limited to, characteristics of the bond issue and prevailing market conditions that necessitate a negotiated sale. In the event the division decides to negotiate for a sale of bonds, the managing underwriter, or financial consultant or adviser, if applicable, shall provide to the land authority or division, prior to the award of bonds to the managing underwriter, a disclosure statement containing the following information:

1. An itemized list setting forth the nature and estimated amounts of expenses to be incurred by the managing underwriter in connection with the issuance of such bonds. Notwithstanding the foregoing, any such list may include an item for miscellaneous expenses, provided it includes only minor items of expense which cannot be easily categorized elsewhere in the statement.

2. The names, addresses, and estimated amounts of compensation of any finders connected with the issuance of the bonds.

3. The amount of underwriting spread expected to be realized.

4. Any management fee charged by the managing underwriter.

5. Any other fee, bonus, or compensation estimated to be paid by the managing underwriter in connection with the bond issue to any person not regularly employed or retained by it.

6. The name and address of the managing underwriter or underwriters, if any, connected with the bond issue.

7. Any other disclosure which the division may require.
This paragraph is not intended to restrict or prohibit the employment of professional services relating to bonds issued under this act or the issuance of bonds by the division under any other law. This paragraph shall not prohibit the use of private placement bonds.

(12) Neither the members or the employees of the land authority or the division nor any person executing the bonds of the land authority shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 8. Section 380.0669, Florida Statutes, is amended to read:

380.0669 State and local government liability on bonds.—The bonds of the land authority shall not be a debt of the state or of any local government other than the land authority, and neither the state nor any local government other than the land authority shall be liable thereon. Except for tax revenues specifically designated by this act for use by the land authority, the land authority shall not have the power to pledge the credit, the revenues, or the taxing power of the state or of any local government; and except as provided in this act neither the credit, the revenues, nor the taxing power of the state or of any local government shall be, or shall be deemed to be, pledged to the payment of any bonds of the land authority.

Section 9. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of Natural Resources
shall impose and collect a surcharge of 50 cents per person per day, or $5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of $2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of Natural Resources that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of Natural Resources for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be transmitted to that municipality. The surcharges levied under this section shall remain imposed as long as the land authority is in existence.
Section 10. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 315

1. Rules of permit agencies adopted pursuant to chapters 403 and 373, F.S., in effect when the
development order is issued shall be applied to permit applications for that development for 5
years, unless changes to the rules were clearly shown to be essential to the public, health,
safety or welfare, and other specified criteria.

2. Existing law provides that proposed changes to previously approved DRI's shall require further
DRI review if they exceed specific numerical criteria in Subsection 380.06(19). All changes
below those numerical criteria are presumed not to require further DRI review, but do require a
public hearing to approve minor changes, and are subject to an appeal by the DCA or RPC.

3. The bill would amend present law to provide that proposed changes to an approved DRI that are less
than 40% of the existing numerical criteria are not substantial deviations and would not require a public hearing to determine whether the change is substantial. Notice of such de minimis changes must be given to the State Land Planning Agency and Regional Planning Council, but if the changes were to a DRI development order issued after January 1, 1980, they may not be appealed by the Land Planning Agency or Regional Planning Council unless the change caused a substantial impact on an archaeological or natural resource that had not been previously identified.

4. Clarifies the wording of existing law by providing that, following notice to DCA of vested rights based upon platting alone, such rights may be preserved after June 30, 1990, only if development of the vested plan commences prior to that date.

5. Adds an exemption from DRI review for additions to existing university sports facilities that increase the seating capacity by up to 15%.

6. Present law requires that actual notice of the local government's public hearing on an areawide DRI petition be given to all owners of land within the proposed areawide. The proposed change would allow public notice to be given by newspaper advertisement if the areawide petitioner is a local government. Actual notice would still be required if a Petitioner is an entity other than a local government.

7. Clarifies provisions of the original Florida Quality Development Program (FQD) so that it will be utilized more often.
The principle features of this section are:

(a) Greater certainty is created in the FQD designation process by more clearly specifying the steps necessary for designation and by providing for the conversion of proposed FQD projects to the development of regional impact review process.

(b) General standards are provided for assessing the mitigation needed for development impacts on transportation and other public facilities and services.

(c) The roles of the reviewing agencies are more clearly laid out.

(d) Guidelines are established for the nature, type and extent of activities that will be permitted in protected and environmentally sensitive lands.

(e) The scope of the program is broadened to include a variety of other development features that will be considered for designation purposes (e.g., affordable housing, mass transit, and downtown revitalization).

(f) Explicit language is added to encourage an expeditious review of FQD applications.

8. Specifies that for two or more developments to be aggregated and reviewed under the DRI law, they must be physically proximate and part of a unified plan of development. The amendment requires that two of five listed factors must be present to determine that there is a unified plan of development. Activities are also listed that may not be considered in determining whether to aggregate. The amendments change existing law which requires that there be common ownership or majority interest in developments before they may be aggregated. The provisions in s. 380.0651(4), F.S., shall be repealed on October 1, 1993, and shall be reviewed by the Legislature prior to that date.

9. Raises the marina DRI thresholds from 100 to 150 for wet slips and from 150 to 200 for dry slips. If a proposed marina contains both wet and dry slip subcategories, the threshold would be that the sum of the percentages of the wet and dry slips threshold equals 100%.

10. Raises the threshold for multi-use DRI from 130% to 145%, that being the sum of the percentages of the appropriate DRI thresholds for each land use in the development. Raises the threshold for multi-use DRI’s to 160% if three or more land uses are present, one of which is a residential use with 100 dwelling units or 15% of the applicable residential threshold, whichever is greater.

11. This clarifies the definition of “Pledged revenues” to allow such revenues to pay principal and interest on bonds as well as insurance and cash revenues required on bonds.

12. Clarification of existing language as to a land authority’s ability to purchase property on other acquisition lists, including the Conservation and Recreational Lands (CARL) program.
13. Clarification that the initial offers by the Authority can be at either 115% of the property appraiser's last assessment prior to June 1, 1986, or, alternatively, at appraised value if a land authority is reimbursed for the cost of the appraisal and the property appraiser approves the appraisal.

14. The Division of Bond Finance and the Attorney for the Land Authority have identified several glitches in the enabling authority for the Land Authority relating to the issuance of bonds. Clarifying language is provided:

(a) to allow the Land Authority to use private placement bonds,

(b) to assure that employees of the Land Authority are not personally liable for the bonds, and

(c) to assure that the surcharge levied pursuant to law within an area of critical state concern (ACSC) concern remains until all bonds are retired even if the ACSC designation is removed.

15. Clarifies revenues pledged for bonds designated by this act.

16. An increase in the current administrative allowance from the admission proceeds for the Land Authority of 5% to a more reasonable 10%. This 10% is much more typical of overhead charges.
A bill to be entitled
An act relating to developments of regional
impact; amending s. 380.06, F.S.; requiring
that proposed changes to certain developments
be considered collectively in determining
review criteria; revising standards for
determining whether or not such changes
consist of a substantial deviation to a
development plan; providing clarifying
language; amending s. 380.0651, F.S.; revising
the statewide guidelines and standards
requiring review of multi-use developments;
providing an effective date.

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

Section 1. Subsection (19) of section 380.06, Florida
Statutes, is amended to read:

380.06 Developments of regional impact.--
(19) SUBSTANTIAL DEVIATIONS.--
(a) Any proposed change to a previously approved
development which creates 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, shall constitute a substantial deviation and
shall cause the development to be subject to further
development-of-regional-impact review.

(b) Any proposed change to a previously
approved development of regional impact or development order
condition which, either individually or cumulatively, exceed
meets-or-exceeds any of the following criteria shall
constitute a substantial deviation and shall cause the
development to be subject to further development-of-regional-
impact review without the necessity for a finding of same by
the local government:

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

2. A new runway, a new terminal facility, a 10-percent
expansion to an existing runway, or a 20-percent increase in
the floor area of an existing terminal.

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

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

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

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

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

8. An increase of development at a waterport of wet
storage for 20 watercraft, dry storage for 30 watercraft, or

CODING: Words struck are deletions; words underlined are additions.
wet/dry storage for 60 watercraft in an area identified in the
state marina siting plan as an appropriate site for additional
waterport development or a 5-percent increase in watercraft
storage capacity, whichever is greater.

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

10. An increase in commercial development by 6 acres
of land area or by 50,000 square feet of gross floor area, or
of parking spaces provided for customers for 300 cars or 5
percent, whichever is greater.

11. An increase in hotel or motel facility units by 5
percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by
5 percent or 100 vehicle spaces, whichever is less.

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

14. A proposed increase to an approved multi-use
development of regional impact where the sum of the increases
of each land use as a percentage of the applicable substantial
development criteria is equal to or exceeds 100 percent. The
percentage of any decrease in the amount of open space shall
be treated as an increase for purposes of determining when 100
percent has been reached or exceeded.

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

16. A change proposed for 15 percent or more of the
acreage of an approved development of regional impact to a
land use not previously approved in the development order.

CODING: Words [stricken] are deletions; words [underlined] are additions.
17. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other such special areas.

18. A proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multi-use development of regional impact which was originally approved with three or four of the types of uses specified in paragraphs 380.0651(3)(c), (d), (f), and (g) only if the regional impacts of the change exceed the adverse regional impacts of the originally authorized development or the project as changed creates regional impacts which were not previously reviewed by the regional planning agency.

(c) An extension of the date of buildout of a development by 5 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government. For the purpose of calculating when a buildout date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits.

(d) A proposed change which does not meet or exceed any of the criteria listed in paragraph (d) shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

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A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e) Any proposed changes which, either individually or cumulatively, are less than or equal to any of the criteria listed in paragraph (b) or involve an extension of the date of buildout of a development of less than 5 years as provided in paragraph (c) do not create a substantial deviation subject to further development-of-regional-impact review.

2. A change to a development order condition identified as a local issue in the regional report required by subsection (12) or identified as a local issue in the development order does not create a substantial deviation subject to further development-of-regional-impact review.

3. Any change to a development order pursuant to subparagraph 1. or subparagraph 2. is not subject to appeal pursuant to s. 380.07, but must be reported to the regional planning agency and the state land planning agency for informational purposes.

4. Any report submitted of a proposed change to a previously approved development, which approval was granted by a local government pursuant to this subparagraph, must
include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively exceed the criteria listed in paragraphs (b) and (c) constituting a substantial deviation requiring further development-of-regional-impact review.

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

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

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government. A change which is
subject to the substantial-deviation criteria specified in subparagraph (b)18, shall not be subject to this requirement.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approvable pursuant to local land development regulations approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, neither the regional planning agency nor the state land planning agency may appeal the local government decision if neither participated at the local hearing, unless the approved change is subject to the substantial-deviation criteria specified in subparagraph (b)18.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only
those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the criteria set forth in subsections (12) and (13) or subsection (14), whichever is applicable entire development. If the local government determines that the proposed change as it relates to the entire development is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change as it relates to the entire development should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

Section 2. Paragraph (i) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

CODING: Words struck are deletions; words underlined are additions.
380.0651 Statewide guidelines and standards.--

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

(1) Multi-use development.--Any proposed development with two or more land uses under common ownership, development plan, advertising, or management where the sum of the percentages of the appropriate thresholds identified in chapter 27F-2, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160% percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

Section 3. This act shall take effect October 1, 1988.

SENATE SUMMARY

Provides that any proposed changes to a previously approved development of regional impact must be considered collectively in order to determine whether or not such changes constitute a substantial deviation in the approved development plan. Specifies conditions under which such changes do not create any substantial deviation in an approved plan and are not subject to appeal. Raises the threshold for determining whether multi-use developments are required to undergo development-of-regional-impact review.

CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled

An act relating to developments of regional
impact; amending s. 380.06, F.S., exempting
from development-of-regional-impact review
certain additions to an existing sports
facility complex owned by a state university;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida,

Section 1. Paragraph (d) is added to subsection (24)
of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.--
(24) STATUTORY EXEMPTIONS.--

(d) Any proposed addition or cumulative additions
subsequent to the effective date of this act to an existing
sports facility complex owned by a state university is exempt
if the increased seating capacity of the complex is no more
than 50 percent of the capacity of the existing facility.

Section 2. This act shall take effect upon becoming a
law.

HOUSE SUMMARY

Provides an exemption from development-of-regional-impact
review for any proposed or cumulative addition to an
existing sports facility complex owned by a state
university if the increased seating capacity of the
complex is no more than 50 percent of the capacity of the
existing facility.

CODING: Words struck are deletions; words underlined are additions.
This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.
By Representative Martin

A bill to be entitled
An act relating to developments of regional
impact; amending s. 380.06, F.S., exempting
from development-of-regional-impact review
certain additions to an existing sports
facility complex owned by a state university;
providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (24)
of section 380.06, Florida Statutes, to read.

380.06 Developments of regional impact.--
(24) STATUTORY EXEMPTIONS.--
(d) Any proposed addition to an existing sports
facility complex owned by a state university is exempt if the
addition meets the following characteristics:

1. Its seating capacity is no more than 50 percent of
the capacity of the existing facility.

2. Its seating capacity would be used no more than
eight times per year.

Section 2. This act shall take effect upon becoming a
law.
HOUSE SUMMARY

Provides an exemption from development-of-regional-impact review for any proposed addition to an existing sports facility complex owned by a state university if the seating capacity of the addition is no more than 50 percent of the capacity of the existing facility and would be used no more than 8 times per year.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to developments of regional impact; amending s. 380.06, F.S., exempting certain additions to an existing sports facility complex owned by a state university; providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) is added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.--
(24) STATUTORY EXEMPTIONS.--
(d) Any proposed addition to an existing sports facility complex owned by a state university is exempt if the addition meets the following characteristics:

1. Its seating capacity is no more than 50 percent of the capacity of the existing facility;
2. Its seating capacity would be used no more than eight times per year.

Section 2. This act shall take effect upon becoming a law.

******************************************************************************

HOUSE SUMMARY
Provides an exemption from development-of-regional-impact review for any proposed addition to an existing sports facility complex owned by a state university if the seating capacity of the addition is no more than 50 percent of the capacity of the existing facility and would be used no more than 8 times per year.

CODING: Words struck out are deletions; words underlined are additions.
A bill to be entitled
An act relating to developments of regional impact; amending s. 380.06, F.S.; providing for application of development-of-regional-impact review to certain landfills; amending s. 380.0651, F.S.; specifying that certain resource recovery and management facilities are presumed to be developments of regional impact; amending ss. 380.11 and 403.524, F.S.; correcting references; providing an effective date.

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

Section 1. Subsections (4) through (25) of section 380.06, Florida Statutes, are renumbered as subsections (5) through (26), respectively, a new subsection (4) is added to said section, and paragraphs (a), (e), and (f) of subsection (4), paragraph (b) of subsection (5), paragraph (a) of subsection (6), paragraph (a) of subsection (9), paragraph (b) of subsection (10), subsection (11), paragraph (a) of subsection (12), subsection (13), paragraph (c) of subsection (14), paragraph (c) of subsection (15), paragraph (b) of subsection (21), subsection (22), and paragraphs (i), (k), and (n) of subsection (25), are renumbered and amended to read:

380.06 Developments of regional impact.--

(4) LANDFILLS DESIGNATED AS DEVELOPMENTS OF REGIONAL IMPACT.--

(a) For the purpose of this subsection:

1. "Landfill" means a facility used for the discharge, deposit, injection, dumping, spilling, leaking, or placing of CO2ING: Words stricken are deletions; words underlined are additions.
any solid waste, but does not include a land spreading site or  
a surface impoundment.

2. "Class I landfill" means a landfill which is  
designed or intended to receive an average of 20 tons or more  
of solid waste per day or 50 cubic yards or more of solid  

waste per day.

3. "Class II landfill" means a landfill which is  
designed or intended to receive an average of less than 20  
tons of solid waste per day or less than 50 cubic yards of  
solid waste per day.

(b) A class I landfill proposed for development:  
1. Shall be required to undergo development-of-  
regional-impact review if any part of the landfill site is  
within 5 miles of the boundary of any other Florida county.

2. Shall not be required to undergo development-of-  
regional-impact review if the entire landfill site is more  
than 7 miles from the boundary of any other Florida county.

3. Shall be presumed to be required to undergo  
development-of-regional-impact review if the entire landfill  
site is more than 5 miles from the boundary of any other  
Florida county, but a part of the landfill site is within 6  
miles of the boundary of any other Florida county.

4. Shall be presumed not to be required to undergo  
development-of-regional-impact review if the entire site is  
more than 6 miles from the boundary of any other Florida  
county, but a part of the landfill site is within 7 miles of  
the boundary of any other Florida county.

(c) A class II landfill proposed for development:  
1. Shall be required to undergo development-of-  
regional-impact review if any part of the landfill site is  
within 3 miles of the boundary of any other Florida county.

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2. Shall not be required to undergo development-of-regional-impact review if the entire landfill site is more than 5 miles from the boundary of any other Florida county.

3. Shall be presumed to be required to undergo development-of-regional-impact review if the entire landfill site is more than 3 miles from the boundary of any other Florida county, but a part of the landfill site is within 4 miles of the boundary of any other Florida county.

4. Shall be presumed not to be required to undergo development-of-regional-impact review if the entire landfill site is more than 4 miles from the boundary of any other Florida county, but a part of the landfill site is within 5 miles of the boundary of any other Florida county.

(a) If any developer is in doubt whether his proposed development must undergo development-of-regional-impact review under the guidelines and standards, whether his rights have vested pursuant to subsection (2)(b), or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (2)(b) would divest such rights, he may request determination from the state land planning agency.

In determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (2)(b) would divest such rights, the state land planning agency shall review the proposed change within the context of:

1. Criteria specified in paragraph (2)(b); and

2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency.

(CODING: Words stricken are deletions; words underlined are additions.)
3. All rights and obligations arising out of the vested status of such development;

4. Permit conditions or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and

5. Any regional impacts arising from the proposed change.

(f) If a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (21) would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to subsection (21).

(6) AUTHORIZATION TO DEVELOP.--

(b) State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development-of-regional-impact review. If a project is undergoing or will be required to undergo development-of-regional-impact review, any state or regional permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (5), any state

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or regional agency permit necessary for the construction or
operation of the project that is valid for 5 years or less
shall take effect, and the period of time for which the permit
is valid shall begin to run, only after the developer obtains
a binding letter stating that the project is not required to
undergo development-of-regional-impact review or after the
developer obtains a development order pursuant to this
section.

PRELIMINARY DEVELOPMENT AGREEMENTS.--

(a) A developer may enter into a written preliminary
development agreement with the state land planning agency to
allow a developer to proceed with a limited amount of the
total proposed development, subject to all other governmental
approvals and solely at the developer's own risk, prior to
issuance of a final development order. All owners of the land
in the total proposed development shall join the developer as
parties to the agreement. Each agreement shall include and be
subject to the following conditions:

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

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

3. The agreement shall include maps and legal
descriptions of both the preliminary development area and the

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total proposed development area and shall specifically
describe the preliminary development in terms of magnitude and
location. The area approved for preliminary development must
be included in the application for development approval and
shall be subject to the terms and conditions of the final
development order.

4. The preliminary development shall be limited to
lands that the state land planning agency agrees are suitable
for development and shall only be allowed in areas where
adequate public infrastructure exists to accommodate the
preliminary development, when such development will utilize
public infrastructure. The developer must also demonstrate
that the preliminary development will not result in material
adverse impacts to existing resources or existing or planned
facilities.

5. The preliminary development agreement may allow
development of more than 25 percent of any applicable
threshold only if the developer demonstrates that such
development is in the best interest of the state and local
government and is essential to the ultimate viability of the
proposed total development and that development will not
result in material adverse impacts to existing resources or
planned facilities.

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

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

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
(a). In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits, a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (8).

2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.

3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.62(2) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (1)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under s. 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under s. 120.57 on the proposed development by any parties to the prior proceeding.

4. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for
additional periods of time under procedures established by the
agency.

(b) If a regional planning agency determines that the
application for development approval is insufficient for the
agency to discharge its responsibilities under subsection
(b), it shall provide in writing to the appropriate local
government and the applicant a statement of any additional
information desired within 30 days of the receipt of the
application by the regional planning agency. The applicant
may supply the information requested by the regional planning
agency and shall communicate its intention to do so in writing
to the appropriate local government and the regional planning
agency within 5 working days of the receipt of the statement
requesting such information, or the applicant shall notify the
appropriate local government and the regional planning agency
in writing that the requested information will not be
supplied. Within 30 days after receipt of such additional
information, the regional planning agency shall review it and
may request only that information needed to clarify such
additional information or to answer new questions raised by,
or directly related to, such additional information. If an
applicant does not provide the information requested by a
regional planning agency within 120 days of its request, or
within a time agreed upon by the applicant and the regional
planning agency, the application shall be considered
withdrawn.

LOCAL NOTICE.--Upon receipt of the
sufficiency notification from the regional planning agency
required by paragraph (b), the appropriate local
government shall give notice and hold a public hearing on the

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application in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such hearing proceedings shall be recorded by tape or a certified court reporter and made available for transcription at the expense of any interested party. When a development of regional impact is proposed within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. The local government shall comply with the following additional requirements:

(a) The notice of public hearing shall state that the proposed development is undergoing a development-of-regional-impact review.

(b) The notice shall be published at least 60 days in advance of the hearing and shall specify where the information and reports on the development-of-regional-impact application may be reviewed.

(c) The notice shall be given to the state land planning agency, to the applicable regional planning agency, to any state or regional permitting agency participating in a conceptual agency review process under subsection (10)(9), and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

(d) A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

Within 50 days after receipt of the notice of public hearing required in paragraph (12)(11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the...
In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on the environment and natural and historical resources of the region.
2. The development will have a favorable or unfavorable impact on the economy of the region.
3. The development will efficiently use or unduly burden water, sewer, solid waste disposal, or other necessary public facilities.
4. The development will efficiently use or unduly burden public transportation facilities.
5. The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.
6. The development complies with such other criteria for determining regional impact as the regional planning agency deems appropriate, including, but not limited to, the extent to which the development would create an additional demand for, or additional use of, energy, provided such criteria and related policies have been adopted by the regional planning agency pursuant to s. 120.54. Regional planning agencies may also review and comment upon issues which affect only the local governmental entity with jurisdiction pursuant to this section; however, such issues shall not be grounds for or be included as issues in a

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regional planning agency appeal of a development order under s. 380.07.

(b) In areas of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section. The provisions of this section shall not apply to developments in areas of critical state concern which have had pending applications and had been noticed or agendaed by local government after September 1, 1985, and before October 1, 1985, for development order approval. In all such cases, the state land planning agency may consider and address applicable regional issues contained in subsection (11) as part of its area-of-critical-state-concern review pursuant to ss. 380.05, 380.07, and 380.11.

CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.--If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

(c) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (13).

LOCAL GOVERNMENT DEVELOPMENT ORDER.--

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (16) and (15). The development order:

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

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

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the annual report designated under subsection (19), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination under subsection (20).

6. Shall include a legal description of the property.

(b) If a proposed development is planned for development over an extended period of time, the developer may

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file an application for master development approval of the
project and agree to present subsequent increments of the
development for preconstruction review. This agreement shall
be entered into by the developer, the regional planning
agency, and the appropriate local government having
jurisdiction. The provisions of subsection (10) do not
apply to this subsection, except that a developer may elect to
utilize the review process established in subsection (10) for
review of the increments of a master plan.

1. Prior to adoption of the master plan development
order, the developer, the landowner, the appropriate regional
planning agency, and the local government having jurisdiction
shall review the draft of the development order to ensure that
anticipated regional impacts have been adequately addressed
and that information requirements for subsequent incremental
application review are clearly defined. The development order
for a master application shall specify the information which
must be submitted with an incremental application and shall
identify those issues which can result in the denial of an
incremental application.

2. The review of subsequent incremental applications
shall be limited to that information specifically required and
those issues specifically raised by the master development
order, unless substantial changes in the conditions underlying
the approval of the master plan development order are
demonstrated or the master development order is shown to have
been based on substantially inaccurate information.

DOWNTOWN DEVELOPMENT AUTHORITIES.--

(a) A downtown development authority may submit a
development-of-regional-impact application for development
approval pursuant to this section. The area described in the

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application may consist of any or all of the land over which a
downtown development authority has the power described in s.
380.031(5). For the purposes of this subsection, a downtown
development authority shall be considered the developer
whether or not the development will be undertaken by the
downtown development authority.

(b) In addition to information required by the
development-of-regional-impact application, the application
for development approval submitted by a downtown development
authority shall specify the total amount of development
planned for each land use category. In addition to the
requirements of subsection (1)(5), the development order
shall specify the amount of development approved within each
land-use category. Development undertaken in conformance with
a development order issued under this section does not require
further review.

(c) If a development is proposed within the area of a
downtown development plan approved pursuant to this section
which would result in development in excess of the amount
specified in the development order for that type of activity,
changes shall be subject to the provisions of subsection
(2)(9), except that the percentages and numerical criteria
shall be double those listed in paragraph (2)(9)(b).

(d) The provisions of subsection (10)(9) do not apply
to this subsection.

AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.--

(1) After the time for appeal of the decision has run,
an approved developer may submit an application for
development approval for a proposed areawide development of
regional impact for land within the defined planning area,
pursuant to subsection (7)(6). Development undertaken in
conformance with an areawide development order issued under this section shall not require further development-of-
regional-impact review.

(k) In addition to the requirements of subsection (l), a development order approving, or approving with
conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of
development approved within each land use category in the defined planning area. The development order shall
incorporate by reference the approved areawide development plan. The local government shall not approve an areawide
development plan that is inconsistent with the local comprehensive plan, except that a local government may amend
its comprehensive plan pursuant to paragraph (7)(b).

(n) After a development order approving an areawide development plan is received, changes shall be subject to the
provisions of subsection (20)(b), except that the percentages and numerical criteria shall be double those listed in
paragraph (20)(b).

Section 2. Paragraph (k) is added to subsection (3) of section 380.065, Florida Statutes, to read:

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

(k) Resource recovery and management facilities.--The proposed construction of any resource recovery and management
facility subject to the requirements of the Florida Resource Recovery and Management Act which has not received a permit
under that act as of October 1, 1988, within 2 miles of a

CODING: Words stricken are deletions; words underlined are additions.
neighboring county shall be presumed to be a development of regional impact.

Section 3. Paragraph (a) of subsection (2) of section 380.11, Florida Statutes, is amended to read:
380.11 Enforcement; procedures; remedies.--
(2) ADMINISTRATIVE REMEDIES.--
(a) If the state land planning agency has reason to believe a violation of this part or any rule, development order, or other order issued hereunder or of any agreement entered into under s. 380.032(3) or s. 380.06(2)(b) has occurred or is about to occur, it may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activity creating the violation.

Section 4. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:
403.524 Applicability and certification.--
(2) Except as provided in subsection (1), no construction of any transmission line may be undertaken without first obtaining certification under this act, but the provisions of this act do not apply to:
(b) Transmission lines which have been exempted by a binding letter of interpretation issued under s. 380.06(5)(a), or in which the Department of Community Affairs or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(21)(a).

Section 5. This act shall take effect October 1, 1988.
HOUSE SUMMARY

Provides that certain proposed landfills shall be required to undergo development-of-regional-impact review, and that others shall be presumed to require or not require such review, based on the landfill's capacity and proximity to another county's boundary.

Provides that the construction of a resource recovery and management facility subject to the Florida Resource Recovery and Management Act and not permitted by October 1, 1988, within 2 miles of a neighboring county shall be presumed to be a development of regional impact.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to developments of regional
impact; amending s. 380.06, F.S.; specifying
period of application of agency rules in effect
at the time of application for development
approval; providing for expiration of
preliminary development agreements; providing
relationship of development orders to
requirements applicable to land development
regulations implementing comprehensive plans;
specifying conditions under which vested rights
remain valid; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (5)
and paragraph (d) is added to subsection (8) of section
380.06, Florida Statutes, and paragraph (e) of subsection (15)
and paragraph (a) of subsection (20) of said section are
amended, to read:

380.06 Developments of regional impact.--
(5) AUTHORIZATION TO DEVELOP.--
(c) The rules of permit agencies in effect when the
application for development approval is deemed sufficient
pursuant to subsection (10) shall apply to all development
authorized in the development order for a period of 5 years
from the effective date of the development order.

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.--
(d) Upon expiration of the appeal period of the
development order, the preliminary agreement pursuant to this
subsection shall become null and void.

CODING: Words struck are deletions; words underlined are additions.
(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

(1) Effective July 1, 1986, a local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government’s failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Community Affairs and other state and regional agencies involved in the administration and
1 Implementation of this act shall cooperate and work with units
2 of local government in preparing and adopting local impact fee
3 and other contribution ordinances.
4
5 4. The rendition of a development order which makes
6 adequate provision for the public facilities needed to
7 accommodate the impacts of the proposed development shall be
8 deemed to satisfy the requirements of s. 163.3202(2)(d).
9
10 (20) VESTED RIGHTS.--Nothing in this section shall
11 limit or modify the rights of any person to complete any
12 development that has been authorized by registration of a
13 subdivision pursuant to chapter 498, by recordation pursuant
14 to local subdivision plat law, or by a building permit or
15 other authorization to commence development on which there has
16 been reliance and a change of position and which registration
17 or recordation was accomplished, or which permit or
18 authorization was issued, prior to July 1, 1973. If a
19 developer has, by his actions in reliance on prior
20 regulations, obtained vested or other legal rights that in law
21 would have prevented a local government from changing those
22 regulations in a way adverse to his interests, nothing in this
23 chapter authorizes any governmental agency to abridge those
24 rights.
25
26 (a) For the purpose of determining the vesting of
27 rights under this subsection, approval pursuant to local
28 subdivision plat law, ordinances, or regulations of a
29 subdivision plat by formal vote of a county or municipal
30 governmental body having jurisdiction after August 1, 1967,
31 and prior to July 1, 1973, is sufficient to vest all property
32 rights for the purposes of this subsection; and no action in
33 reliance on, or change of position concerning, such local
34 governmental approval is required for vesting to take place.

CODING: Words stricken are deletions; words underlined are additions.
Anyone claiming vested rights under this paragraph must so notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, in order for the vested rights authorized pursuant to this subsection to remain valid after June 30, 1990, development must be commenced upon the property subject to the vested rights determination prior to that date any commencing of development upon which there has been reliance and change of position shall vest the applicant's rights until June 30, 1990. When the notification requirements have not been met, the vested rights authorized for this section shall expire June 30, 1986.

Section 2. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

*****************************************

HOUSE SUMMARY
Revises provisions relating to developments of regional impact. Specifies period of application of agency rules in effect at the time of application for development approval. Provides for expiration of preliminary development agreements. Provides relationship of development orders to requirements applicable to land development regulations implementing comprehensive plans. Specifies conditions under which vested rights remain valid.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words struck are deletions; words underlined are additions.
SB 315  in CS file date 5/9/88  18/1/74
* SB 1015  Not Res.  die

HB 778  Res.  19/7/25

PCB NR 88-9  19/1/28

"DRIS + sports complexes"
Journal
of the
SENATE
State of Florida

TWENTIETH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 5 THROUGH JUNE 7, 1988
Section 2. Moneys necessary for the purpose of paying for the operating costs related to the State Health Insurance Program during the period ending June 30, 1988, shall be transferred in accordance with s. 215.18, Florida Statutes, to the State Employees Health Insurance Trust Fund. The Department of Administration shall repay such moneys from moneys in said trust fund as soon as practicable but no later than June 30, 1999.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, line 15, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state employment; creating s. 110.161, F.S., the State Employees' Postal Benefits Program Act, authorizing the Department of Administration to establish a postal benefits program for employees; providing for implementation; creating a trust fund and directing that certain moneys saved as a result of the program be deposited therein, providing for the transfer of certain funds; providing an effective date.

On motion by Senator Thurman, by two-thirds vote CS for HB 755 as amended was read the third time by title, passed and certified to the House. The vote on passage was: Yeas—37

Barron
Girardeau
Langley
Scott
Beard
Gordon
Lehnmen
Stuart
Brown
Grant
Malchon
Thomas
Childers, D
Grizzle
Margolis
Thurman
Childers, W D
Hair
McPherson
Weinstein
Crawford
Hollingsworth
Meek
Weinstock
Crenshaw
Jennings
Myers
Woodson
Deratany
Johnson
Peterson
Dudley
Kirkpatrick
Plummer
Thomas
Frank
Kiser
Ros-Lehtinen
Nays—None

On motion by Senator Thurman, the rules were waived and CS for HB 755 was ordered immediately certified to the House.

SB 461—A bill to be entitled An act relating to the boards and commissions within the Department of Professional Regulation, amending s. 110.205, F.S., exempting the executive director of each board or commission established within the department from the Career Service; authorizing the Department of Administration to set the salary and benefits of these positions according to rules established for the Selected Exempt Service, providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 461 was read the third time by title, passed and certified to the House. The vote on passage was: Yeas—35

Beard
Girardeau
Kirkpatrick
Peterson
Brown
Gordon
Kiser
Ros-Lehtinen
Childers, D
Grant
Langley
Scott
Childers, W D
Grizzle
Lehnmen
Stuart
Crawford
Hair
Malchon
Thurman
Crenshaw
Hollingsworth
Margolis
Weinstein
Deratany
Jenne
McPherson
Weinstein
Dudley
Jennings
Meek
Woodson
Frank
Johnson
Myers
Nays—None

CS for SB 315—A bill to be entitled An act relating to development activities, amending s. 380.06, F.S., providing requirements for final development orders; providing requirements and criteria for substantial deviations from approved development activities; providing requirements for building permits for new structures; providing an exemption from review for certain existing sports facility complexes owned by a state university; providing requirements for public works developments undertaken by local governments, amending s. 380.061, F.S., providing requirements for the Florida Quality Development Program; amending s. 380.0651, F.S., providing statewide guidelines and standards for developments required to undergo development-of-regional-impact review; amending s. 380.0662, F.S., providing definitions; amending s. 380.0666, F.S., providing powers for the land authority; amending s. 380.0667, F.S., providing for purchases by the land authority at appraised value under certain conditions, amending s. 380.0668, F.S., providing for the issuance of revenue bonds and providing certain requirements; amending s. 380.0669, F.S., providing for state and local government liability on bonds, amending s. 380.0685, F.S., providing for use of certain state park admission revenue by a land authority; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 2, lines 9-31, and on page 3, lines 1-3, strike all of said lines and insert:

(c) Prior to the issuance of a final development order, the developer may elect to be bound by the rules adopted pursuant to chapters 403 and 373 in effect when such development order is issued. The rules adopted pursuant to chapters 403 and 373 in effect at the time such development order is issued shall be applicable to all applications for permits pursuant to those chapters and which are necessary and consistent with the development authorized in such development order, except that a later adopted rule shall be applicable to an application if: 1. The later adopted rule is determined by the rule-adopting agency to be essential to the public health, safety, or welfare, or 2. The later adopted rule is required, as opposed to simply authorized, by state or federal law or is mandated in order for the state to maintain delegation of a federal program.

Further, in order for any developer to apply for permits pursuant to this provision, the application must be filed within 5 years from the issuance of the final development order and the permit shall not be effective for more than 8 years from the issuance of the final development order. Nothing in this paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

Senator Crawford moved the following amendment which was adopted:

Amendment 2—On page 11, line 12, after the period (.) insert: Unless otherwise shown by master plan or other clear and specific documentation for developments vested as of July 1, 1973, by subdvision, registration pursuant to chapter 408 or by plat recordation which was followed no later than December 31, 1974, by such registration and for which special district bonds or similar obligations in excess of ten million dollars have been issued in the fifteen years commencing July 1, 1973, the state land planning agency shall determine the types of vested uses, including mixes thereof, and compute the their density and intensity, including ranges thereof, by applying the local zoning approvals and zoning, development and building regulations in effect at the time of the registration or recordation on which vesting is based. Unless a higher density or intensity of use is allowable based on such local approvals or regulations or master plan or other clear and specific documentation, the vested level of multifamily residential development shall be two dwelling units per registered or platted lot and the vested level of office, retail, service and wholesale development shall be a 0.20 floor area ratio if a

Senator Grant moved the following amendment which was adopted:

Amendment 3—On page 24, lines 11-30, and on page 25, lines 1-13, strike all of said lines and insert:

Section 3 Paragraphs (c), (e), (f), and (i) of subsection (3) and subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.062 (c) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(c) Industrial plants, such industrial parks, and distribution, warehousing or wholesaling facilities—Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public on-site, under common ownership, or any proposed
industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public on-site, which
1. Provides parking for more than 2,500 motor vehicles, or
2. Occupies a site greater than 320 acres
(e) Port facilities.—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for.

1. The wet or dry storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or
2. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or
3. The wet or dry storage or mooring of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.

2. Occupies a site greater than 320 acres
3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. Thus threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under subparagraph 1a., 1b., and 2 of this paragraph
(f) Retail and service and wholesale development. Any proposed retail, service or wholesale business establishment or group of establishments which deal primarily with the general public on-site, operated under one common property ownership, development plan, or management that:

| Encompasses more than 400,000 square feet of gross area; |
| 2. Occupies more than 40 acres of land; |
| 3. Provides parking spaces for more than 2,500 cars |

On motion by Senator Kiser, by two-thirds vote SB 315 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was

| Yeas—33 |
| Barron | Girardeau | Kirkpatrick | Ros-Lehtinen |
| Beard | Gordon | Kiser | Scott |
| Brown | Grant | Langley | Stuart |
| Childers, D | Grizzle | Lehtinen | Thomas |
| Childers, W. D. | Hair | Malchon | Thurman |
| Crawford | Hill | Margolis | Weinstock |
| Crenshaw | Hollingsworth | McPherson | Weinstock |
| Deratany | Jenne | Meek | Woodson |
| Dudley | Jennings | Myers | |
| Frank | Johnson | Peterson | |

Nays—None

Vote after roll call:

| Yeas—Plummer |
| SB 824—A bill to be entitled An act relating to DUI program coordination, amending s. 25.387, F. S., changing the term “DWI school” to “DUI program”; increasing the assessment imposed for DUI program attendance; providing an effective date |

(a) “Adult” means a person not legally prohibited by reason of age from possessing alcoholic beverages pursuant to chapter 562, Florida Statutes
(b) “Alcoholic beverage” means distilled spirits and any beverage containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with the provisions of s. 561.01(4)(b), Florida Statutes.
(c) “Control” means the authority or ability to regulate, direct, or dominate.
(d) “Drug” means a controlled substance, as that term is defined in ss. 893.02(14) and 893.03, Florida Statutes.
(e) “Minor” means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to chapter 562, Florida Statutes
(f) “Open house party” means a social gathering at a residence.
(g) “Residence” means a home, apartment, condominium, or other dwelling unit.

Section 3. Responsibilities of adults; open house parties.—No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor who the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Section 4. Exception.—The provisions of this act shall not apply to the use of alcoholic beverages at legally protected religious observances or activities
Johnson  Malchon  Peterson  Thomas
Kiser  Margolis  Plummer  Thurman
Langley  Meeks  Ros-Lehtinen  Weinstock
Lehtinen  Myers  Scott  Weinstock

Nays—None

Vote after roll call.

Yes—Crawford, Jennings, Stuart

The Honorable John W Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 315 and requests the concurrence of the Senate.

John B Phelps, Clerk

CS for SB 315—A bill to be entitled An act relating to development activities; amending s 380.06, F.S., providing requirements for final development orders, providing requirements and criteria for substantial deviations from approved development activities, providing requirements for vested rights after a certain date; providing an exemption from review for certain existing sports facility complexes owned by a state university, providing requirements for area-wide developments undertaken by local governments; amending s 380.061, F.S.; providing requirements for the Florida Quality Developments Program; amending s 380.0651, F.S.; providing statewide guidelines and standards for developments required to undergo development-of-regional-impact review, amending s 380.0662, F.S.; providing definitions, amending s 380.0666, F.S., providing powers of the land authority; amending s 380.0667, F.S.; providing for purchases by the land authority at appraised value under certain conditions; amending s. 380.0688, F.S.; providing for the issuance of revenue bonds and providing certain requirements, amending s 380.0669, F.S.; providing statewide guidelines and standards for developments required to undergo development-of-regional-impact review, amending s 380.0662, F.S.; providing definitions, amending s 380.0666, F.S., providing powers of the land authority; amending s 380.0667, F.S.; providing for purchases by the land authority at appraised value under certain conditions; amending s. 380.0688, F.S.; providing for the issuance of revenue bonds and providing certain requirements, amending s 380.0669, F.S.; providing for state and local government liability on bonds; amending s. 380.0685, F.S.; providing for use of certain state park admission revenue by a land authority; providing an effective date

Amendment 1—On page 2, lines 22-25, strike all of said lines and insert:

2 The later adopted rule is adopted pursuant to section 403.061(27), or
3 The later adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program, or
4 The later adopted rule is mandated in order for the state to maintain delegation of a federal program, or
5 The later adopted rule is required by state or federal law

Amendment 2—On page 11, lines 12-31, and on page 12, line 1, strike all the underscored language

Amendment 3—On page 13, line 31, strike “15” and insert. 30

Amendment 4—On page 15, line 23, strike “Florida’s” and insert. The Florida Floride

On motions by Senator Kiser, the Senate concurred in the House amendments.

CS for SB 315 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yea—32

Beard  Girardeau  Johnson  Myers
Brown  Gordon  Kiser  Plummer
Childers, W. D.  Grant  Langley  Ros-Lehtinen
Crawford  Grizle  Lehtinen  Scott
Crenshaw  Hair  Malchon  Thomas
Deratany  Hill  Margolis  Thurman
Dudley  Hollingsworth  McPherson  V Zust
Frank  Jenne  Meeks  Weinstock

Nays—None

Vote after roll call.

Yea—Jennings, Stuart

The Honorable John W Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 57 and requests the concurrence of the Senate.

John B Phelps, Clerk

CS for SB 57—A bill to be entitled An act relating to electrical and alarm system contracting, amending s 489.503, F.S., revising exemptions from regulation under part II, ch 489, F.S., amending s 489.505, F.S., providing definitions applicable to said part, amending s 489.507, F.S., relating to the Electrical Contractors’ Licensing Board; deleting obsolete provisions; amending s. 489.509, F.S.; providing for regulatory fees, amending s. 489.511, F.S., providing requirements for certification as an electrical or alarm system contractor, providing for licensure by endorsement under certain circumstances, amending s 489.513, F.S.; providing for registration of electrical contractors, deleting provisions regarding temporary registration; amending s 489.515, F.S., providing for licensure of contractors; amending s 489.519, F.S.; revising provisions for activating a license, amending s. 489.511, F.S., clarifying requirements of an applicant or its proposed qualifying agent; deleting a provision relating to charging a fee for certifying a business organization as qualified, providing that a licensee must include his certificate or registration number on all applications for building permits and all advertising, amending s 489.525, F.S.; reviving certain reporting requirements, amending s. 489.531, F.S.; prescribing certain acts and providing penalties; amending s. 489.533, F.S., establishing additional grounds for disciplinary action; amending s 489.535, F.S.; requiring the board to report certain criminal violations, repealing s. 489.537(4), F.S., relating to local governmental requirements concerning specialty contractors; saving part II of ch 489, F.S., and ss. 633.70, 633.71, and 633.72, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

Amendment 1—On page 2, line 15, strike everything after the enacting clause and insert:

Section 1 Section 489.503, Florida Statutes, is amended to read:

489.503 Exemptions—This part does not apply to:

4 A subcontractor or specialty contractor not otherwise certified under the provisions of this part whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of construction.

(1)(9) An employee of a certificateholder, registrant or business organization authorized to engage in contracting who is a subordinate of such certificateholder, registrant or business organization employees and subcontractors of any person engaged in contracting who is certified to engage in contracting, if the employee does not hold himself out for hire or otherwise engage in contracting except as an employee

An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or other municipal or political subdivision of this state, as long as the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

An officer appointed by a court when he is acting within the scope of his office as defined by law or court order.

Public utilities, on construction, maintenance, and development work performed by their forces and incidental to their business

(5)(6) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into, and do not become a permanent fixed part of, the structure This subsection shall not be construed to limit the exemptions provided in subsection (6)

An owner of property making application for permit, supervising, and doing the work in connection with the construction, maintenance, repair, and alteration of and addition to a single-family or duplex residence for his own use and occupancy and not intended for sale

Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or any construction, alteration, improvement, or repair on any project when federal law supersedes this part set
FLORIDA LEGISLATURE

FINAL
LEGISLATIVE BILL
INFORMATION

1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371
S 312 (CONTINUED)
04/04/88 SENATE CS read first time – SJ 230, Now in Economic, Community and Consumer Affairs – SJ 229
05/10/88 SENATE Withdrawn from Economic, Community and Consumer Affairs – SJ 252, Placed on Calendar
06/07/88 SENATE Died on Calendar

S 313 GENERAL BILL by Weinstock (Identical H 364)
Delegated authority to determine alimony – Amends FL 58 Effective Date 10/01/88
03/01/88 SENATE Prefiled
03/18/88 SENATE Referred to Judiciary–Civil
04/05/88 SENATE Introduced, referred to Judiciary–Civil – SJ 34
04/15/88 SENATE Extension of time granted Committee Judiciary–Civil
04/25/88 SENATE Extension of time granted Committee Judiciary–Civil
05/13/88 SENATE Extension of time granted Committee Judiciary–Civil
05/27/88 SENATE Extension of time granted Committee Judiciary–Civil
06/07/88 SENATE Died in Committee on Judiciary–Civil

S 314 GENERAL BILL/CS/ENG by Health and Rehabilitative Services: Kiser (Similar CS/H 235)
Pest Control/General Revision, requires adoption of specified rules re vehicles, trailers, & contracts. Revise provisions relating to & requirements for identification cards for persons performing inspections, revise provisions re continuing education requirements, establishes employment requirements for certified pest control operators, etc
Amends Ch 592 Effective Date 10/01/88
03/01/88 SENATE Prefiled
03/18/88 SENATE Referred to Health and Rehabilitative Services, Appropriations
04/06/88 SENATE Introduced, referred to Health and Rehabilitative Services, Appropriations – SJ 34
04/08/88 SENATE On Committee agenda – Health and Rehabilitative Services, Appropriations – SJ 34
04/12/88 SENATE Comm Report CS by Health and Rehabilitative Services from Appropriations, YEAS 33 NAYS 0 – SJ 91
04/14/88 SENATE CS read first time – SJ 102, Now in Appropriations – SJ 91
04/20/88 SENATE On Committee agenda – Governmental Operations, YEAS 36 NAYS 0 – SJ 240
05/03/88 SENATE Placed on Special Order Calendar – SJ 211
06/05/88 SENATE Placed on Special Order Calendar – SJ 223 & – SJ 228, CS passed as amended, YEAS 35 NAYS 0 – SJ 240
05/10/88 HOUSE In Messages
05/16/88 HOUSE Received, referred to Appropriations – HJ 474
06/03/88 HOUSE Withdrawn from Appropriations – HJ 1317, Placed on Calendar
06/07/88 HOUSE Died on Calendar

S 315 GENERAL BILL/CS/ENG by Natural Resources and Conservation; Kiser and others (Compare H 456, CS/H 778; H 867, CS/H 1345; S 1008; S 1015; S 1389)
Developmental Activities, provides requirements for final development orders, provides requirements & criteria for substantial deviations from approved development activities, provides requirements for vested rights after certain dates, provides exemption from CS for new or certain existing sports facility complexes owned by state universities, provides requirements for Fla. Quality Development Program, etc.
Amends Ch 380 Effective Date 07/01/88.
03/01/88 SENATE Prefiled
03/07/88 SENATE Approved to Natural Resources and Conservation
04/05/88 SENATE Introduced, referred to Natural Resources and Conservation
04/15/88 SENATE Extension of time granted Committee Natural Resources and Conservation
04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation
05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation
05/18/88 SENATE On Committee agenda – Natural Resources and Conservation, 05/19/88, 10:00 am, Room – H - SJ 341
05/19/88 SENATE Comm Report, CS by Natural Resources and Conservation, placed on Calendar – SJ 396
05/24/88 SENATE CS read first time – SJ 367
05/26/88 SENATE Placed on Special Order Calendar – SJ 426, CS passed as amended, YEAS 39 NAYS 0 – SJ 450
05/30/88 HOUSE In Messages
05/31/88 HOUSE Received, placed on Calendar – HJ 1073, Substituted for CS/HB 1340 – HJ 1081, Read second time, Amendments adopted. Read third time, CS passed as amended, YEAS 115 NAYS 0 – HJ 1082
06/01/88 SENATE In Messages
06/02/88 SENATE Conformed, CS passed as amended, YEAS 32 NAYS 0 – SJ 724
06/02/88 HOUSE Ordered engrossed, then enrolled – SJ 724
06/16/88 HOUSE Signed by Officers and presented to Governor

S 316 GENERAL BILL by Kiser (Identical H 486)
Tangible Personal Prop./Local Govts., raises minimum value of tangible personal (PAGE NUMBERS REFLECT DAILY SENATE AND HOUSE JOURNALS AND NOT FINAL BOUND JOURNALS)

S 316 (CONTINUED)
property owned by local governments with respect to which certain records & inventory are required
Amends Ch 274 Effective Date 10/01/88
03/01/88 SENATE Prefiled
03/18/88 SENATE Referred to Economic, Community and Consumer Affairs
04/05/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Governmental Operations
04/15/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
04/18/88 SENATE On Committee agenda – Economic, Community and Consumer Affairs, 04/20/88, 2:00 pm, Room – H
04/20/88 SENATE Comm Report, Favorable by Economic, Community and Consumer Affairs – SJ 166
04/22/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
04/29/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/13/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/20/88 SENATE On Committee agenda – Governmental Operations, 04/27/88, 2:00 pm, Room – H
04/27/88 SENATE Comm Report Favorable by Governmental Operations
05/05/88 SENATE Placed on Special Order Calendar – SJ 225 & – SJ 228
05/10/88 SENATE Placed on Special Order Calendar – SJ 242 & – SJ 245, Iden/Sim House Bill substituted, Read on Table under Rule, Iden/Sim/Compare Bill passed, refer to HB 496 (Ch 88-53) – SJ 259

S 317 GENERAL BILL by Johnson (Compare H 20, H 899, S 23, S 520)
Judg/Compensation Increased, increases amount provided to jurors for court attendance
Amends Ch 401 Effective Date 10/01/88.
03/01/88 SENATE Prefiled
03/18/88 SENATE Referred to Judiciary–Civil, Appropriations
04/05/88 SENATE Introduced, referred to Judiciary–Civil, Appropriations – SJ 34
04/15/88 SENATE Extension of time granted Committee Judiciary–Civil
04/29/88 SENATE Extension of time granted Committee Judiciary–Civil
05/12/88 SENATE Withdrawn from Judiciary–Civil, Appropriations, Indefinitely postponed – SJ 275

S 318 Joint Resolution/CS by Finance, Taxation and Claims; Johnson; Jeanne and others (Identical S 356, Similar H 402, Compare H 401, S 367)
Property Tax Exemption/Widowers: (THIS BILL COMBINES S 315,356) constitutional amendment to extend property tax exemption for widowers as well. Amends s. 3, Art VII
03/01/88 SENATE Prefiled
03/18/88 SENATE Referred to Finance, Taxation and Claims; Appropriations, Rules and Calendar
04/05/88 SENATE Introduced, referred to Finance, Taxation and Claims; Appropriations, Rules and Calendar – SJ 242 & – SJ 245
04/15/88 SENATE Extension of time granted Committee Judiciary–Civil
04/29/88 SENATE Extension of time granted Committee Judiciary–Civil
05/03/88 SENATE On Committee agenda – Rules and Calendar, 05/05/88, 3:00 pm, Room – A
05/05/88 SENATE Comm Report Favorable by Rules and Calendar, placed on Calendar – SJ 242 & – SJ 225
05/11/88 SENATE Placed on Special Order Calendar – SJ 267
05/12/88 SENATE Placed on Special Order Calendar – SJ 267, CS passed, YEAS 36 NAYS 0 – SJ 282
05/17/88 HOUSE In Messages
05/25/88 HOUSE Received, placed on Calendar – HJ 691
05/26/88 HOUSE Placed on Special Order Calendar
05/30/88 HOUSE Substituted for HJR 402 – HJ 833, Read second time, Read third time, CS passed, YEAS 108 NAYS 2 – HJ 834
05/30/88 HOUSE Ordered enrolled – SJ 548
06/16/88 Signed by Officers and filed with Secretary of State

S 319 GENERAL BILL/CS by Education; Johnson (Similar CS/H 10)
Education/Science Laboratory Categorical Fund provides for additional categorical funds for teaching science laboratory skills, provides eligibility criteria for school districts, provides for distribution of funds & for use of funds, provides for data collection & compliance monitoring. Creates 236 1224, Effective Date 07/01/88 at upon becoming law, whichever occurs later
03/01/88 SENATE Prefiled
03/18/88 SENATE Referred to Education, Appropriations
04/05/88 SENATE Introduced, referred to Education, Appropriations – SJ 34
04/15/88 SENATE Extension of time granted Committee Education
04/29/88 SENATE Extension of time granted Committee Education
05/13/88 SENATE Extension of time granted Committee Education
05/20/88 SENATE On Committee agenda – Education, 05/24/88, 9:00 am, Room – A

(CONTINUED ON NEXT PAGE)
S 1007 (CONTINUED)
05/17/88 SENATE On Committee agenda—Governmental Operations, 05/17/88, 2:00 pm, Room-H, Extension of time granted Committee Governmental Operations

05/17/88 SENATE Comm Report Favorable by Governmental Operations—SJ 310

05/18/88 SENATE Now in Appropriations—SJ 310

05/19/88 SENATE Extension of time granted Committee Appropriations—SJ 310

05/30/88 SENATE Withdrawn from Appropriations—SJ 546, Placed on Calendar

06/02/88 SENATE Placed on Consent Calendar—SJ 715, CS passed, YEAS 35, NAYS 0—SJ 768

S 1008 GENERAL BILL by Grizzle (Compare CS/H 1345, CS/ENG/S 316)
Fla Quality Development Program, provides requirements for eligibility under, & procedures for administering, Florida’s Quality Development Program. Amends 380 061 Effective Date 07/01/88 or upon becoming law, whichever occurs later

04/07/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Natural Resources and Conservation, Economic, Community and Consumer Affairs—SJ 122

04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation—SJ 122

05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation—SJ 122

05/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation—SJ 122

06/07/88 SENATE Died in Committee on Natural Resources and Conservation, Iden/Sum/Compare bill passed, refer to CS/SSB 315 (Ch 88-164)

S 1009 GENERAL BILL by Margolis (Similar CS/ENG/H 1576, Compare CS/ENG/H 421, CS/H 461, CS/ENG/H 836, CS/S 519)
Health Maintenance Organizations, creates provisions re health maintenance organizations guarantee of health care services, provides for Fla Health Maintenance Organization Guarantee Association, provides for assessments, tax exemptions, voluntary contributions, & for health care coverage, provides for prohibitions on advertisements, provides for contract disclosure requirements & establishes coverage requirements for adopted children, etc. Amends Ch 641, creates 631 811-.830 Effective Date Upon becoming law

04/07/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Commerce, Health and Rehabilitative Services, Appropriations—SJ 122

04/20/88 SENATE Comm Report Favorable with 1 amendment(s) by Commerce—SJ 142

04/21/88 SENATE Now in Health and Rehabilitative Services—SJ 142

04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services—SJ 142

05/03/88 SENATE On Committee agenda—Health and Rehabilitative Services—SJ 142

05/05/88 SENATE Comm Report Favorable by Health and Rehabilitative Services—SJ 226, Now in Appropriations—SJ 228

05/19/88 SENATE Extension of time granted Committee Appropriations—SJ 228

06/01/88 SENATE Withdrawn from Appropriations—SJ 708, Placed on Calendar

06/07/88 SENATE Placed on Special Order Calendar—SJ 1089, Iden/Sum/House Bill substituted; Laid on Table under Rule, Iden/Sum/Compare bill passed, refer to CS/SSB 1576 (Ch 88-383), CS/SSB 421 (Ch 88-269) & CS/SSB 836 (Ch 88-126)—SJ 1143

S 1010 GENERAL BILL by Kirkpatrick (Similar CS/H 699, Compare ENG/H 1606)
Commercial Property Insurance, revises definition of commercial property insurance for purposes of regulation of insurance rates & contract, revives risk management plan requirements Amends 627 065 Effective Date 07/01/88 or upon becoming law, whichever occurs later

04/08/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Commerce—SJ 123

04/29/88 SENATE Extension of time granted Committee Commerce—SJ 123

S 1011 GENERAL BILL/CS by Crawford
Group Health Insurance/limitations authorizes group health insurance policies with specified limitations, provides certain notice requirements Amends 627 065 Effective Date Upon becoming law

04/08/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Commerce—SJ 123

04/29/88 SENATE Extension of time granted Committee Commerce—SJ 123

PAGE NUMBERS REFLECT DAILY SENATE AND HOUSE JOURNALS AND NOT FINAL BOUND JOURNALS

S 1012 GENERAL BILL by Woodson and others (Compare H 665, CS/ENG/H 1510, S 800, CS/S 1083, S 1233)
Sexually Transmissible Diseases: defines term "sexually transmissible disease" to require H.R.S. Dept to consider Human Immunodeficiency Virus & AIDS-Related Complex; prohibits certain sexual activity by persons with Human Immunodeficiency Virus & AIDS-Related Complex Amends 384 23, 24 Effective Date Upon becoming law

06/02/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Health and Rehabilitative Services—SJ 123

04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services—SJ 123

06/13/88 SENATE Extension of time granted Committee Health and Rehabilitative Services—SJ 123

05/27/88 SENATE Extension of time granted Committee Health and Rehabilitative Services—SJ 123

06/07/88 SENATE Died in Committee on Health and Rehabilitative Services, Iden/Sum/Compare bill passed, refer to CS/HB 1519 (Ch 88-380)

S 1013 GENERAL BILL by Kirkpatrick (Similar ENG/H 610)
Scott Linder Tennis Stadium: authorizes & directs University of Florida to name tennis courts & varsity tennis facilities at aat university the "Scott Linder Tennis Stadium" Effective Date Upon becoming law

04/08/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Education, Appropriations—SJ 123

04/29/88 SENATE Extension of time granted Committee Education—SJ 123

05/13/88 SENATE Extension of time granted Committee Education—SJ 123

05/18/88 SENATE On Committee agenda—Education, 05/19/88, 9:15 am, Room-A—Temporarily postponed—SJ 341

05/27/88 SENATE Extension of time granted Committee Education

06/03/88 SENATE Placed on Special Order Calendar (pending in Education & appropriations)—SJ 866

06/07/88 SENATE Died in Committee on Education

S 1014 GENERAL BILL/CS by Education; Kirkpatrick (Identical ENG/H 1144, Compare CS/ENG/S 479)
Museums/Name Changes: changes name of Fla State Museum to Fla Museum of Natural History, State Medical Museum to Museum of Medical History, & Fla State Medical Museum Council to Fla Medical Museum Council Amends 240, 515-5162 Effective Date Upon becoming law

04/08/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Education—SJ 123

04/29/88 SENATE Extension of time granted Committee Education—SJ 123

05/13/88 SENATE Extension of time granted Committee Education—SJ 123

06/13/88 SENATE On Committee agenda—Education, 05/19/88, 9:15 am, Room-A—Temporarily postponed—SJ 341

06/19/88 SENATE Comm Report. CS by Education, placed on Calendar—SJ 359

06/23/88 SENATE CS read first time—SJ 361

06/03/88 SENATE Placed on Special Order Calendar—SJ 866

09/07/88 SENATE Died on Calendar. Iden/Sum/Compare bill passed, refer to CS/SSB 479 (Ch 88-241)

S 1015 GENERAL BILL by Kirkpatrick (Similar CS/H 778, Compare CS/ENG/S 315)
State Uni/Sppt Facility Complex: exempt from development-of-regional-impact review certain additions to existing sports facility complex owned by state university Amends 380.06 Effective Date: Upon becoming law

04/08/88 SENATE Filed

04/18/88 SENATE Introduced, referred to Natural Resources and Conservation—SJ 123

04/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation—SJ 123

05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation—SJ 123

06/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation—SJ 123

06/07/88 SENATE Died in Committee on Natural Resources and Conservation, Iden/Sum/Compare bill passed, refer to CS/SB 315 (Ch 88-164)

S 1016 GENERAL BILL by Kirkpatrick (Compare ENG/H 1626, CS/ENG/S 600)
Impaired Practitioners Committee, provides for appointment of veterinarians to Impaired Practitioners Committee, provides procedures for treatment of impaired veterinarians, provides for employment of consultants, provides for coll...
FLORIDA LEGISLATURE—REGULAR SESSION—1988

HISTORY OF HOUSE BILLS

H 776 (CONTINUED) 04/21/88 HOUSE Preliminary Committee Action by Natural Resources: Favorable as a Committee Substitute

H 777 GENERAL BILL/CS/CS/ENG by Finance & Taxation; Regulated Industries & Licensing; Meffert and others (Compare H 1678, CS/CS/S 916)

Pari-Mutuel Wagering—(SUNDOWN) provides for appointment of Pari-mutuel Comm. members; deletes requirement that comm. hear requests for additional operating days on animal racing track; deletes restrictions on horse racing seasons; eliminates restrictions on summer & winter dog racing seasons for certain counties; allows certain permit holders to operate certain additional days, etc. Amends Ch. 481 Effective Date, 10/01/88 except as otherwise provided

H 778 GENERAL BILL/CS by Natural Resources; Martini and others (Similar S 1015, Compare CS/ENG/S 315)

State Univ./Sports Facility Complex; exempts from development-of-regional-impact review certain additions to existing sports facility complex owned by state university. Amends 380.06 Effective Date: Upon becoming law

H 779 GENERAL BILL/CS by Community Affairs; C.F. Jones (Similar ENGS 7, Compare H 1617)

Building Construction Standards: prescribes additional conditions upon adoption of local standards which are more stringent than those in State Minimum Building Code; requires building permit applications to be acted upon within specified time. Amends 553.73-79 Effective Date Upon becoming law

H 780 GENERAL BILL/ENG by Regulatory Reform; Kelly (Compare CS/H 1647, CS/S 40)

Landscape Architecture/Revisor. (SUNSET) modifies purpose & definitions; revises & clarifies certain examination & licensing requirements, deletes certain requirements re practice of landscape architecture by corporation or partnership; provides for use of ex-officio committee to delineate conditions under which landscape architects may submit permits for design of stormwater management systems, etc. Amends/revises/readschs C 481 Effective Date. 10/01/88 except as otherwise provided

H 781 GENERAL BILL by Frankel (Identical S 723)

Employee Substance Testing Act: creates and act for purposes of regulating testing of employees for alcohol & drug use, provides definitions, provides specified prohibitions re employee drug testing, provides exceptions, provides for testing

(CONTINUED ON NEXT PAGE)
346  FLORIDA LEGISLATURE—REGULAR SESSION—1988

H 866 (CONTINUED)  04/27/88  HOUSE Preliminary Committee Action by Judiciary Favorable as a Committee Substitute
05/05/88  HOUSE CS combines this bill and 347 & 1343, Comm Report CS by Judiciary - HJ 359, Original bill laid on Table under Rule, refer to combined CS/ HB 547 (Ch. 88-508) - HJ 359

H 867  GENERAL BILL  by Rehm (Identical S 1300, Compare CS/ENG/S 315) Development of Regional Impact, specifies period of application of agency rules in effect at time of application for development approval, provides for expiration of preliminary development agreements, provides relationship of development order to requirements applicable to land development regulations implementing comprehensive plans, specifies conditions under which vested rights remain valid. Amends 380.06 Effective Date 07/01/88 or upon becoming law, whichever occurs later
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Natural Resources, Appropriations - HJ 84
04/11/88  HOUSE On Committee agenda - Natural Resources, 04/13/88, 3 30 pm, 214C
06/07/88  HOUSE Died in Committee on Natural Resources, Iden /Sim / Compare bill passed, refer to CS/SB 315 (Ch. 88-164)

H 868  RESOLUTION  by Davis (Identical S 669, Compare ENG/H 881, S 668) Children's Day, recognizes 04/11/88 as Children's Day
03/29/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Youth - HJ 84
04/12/88  HOUSE Withdrawn from Youth - HJ 110, Placed on Calendar, Read second time, Adopted - HJ 115

H 869  GENERAL BILL  by Nergard (Compare CS/ENG/H 885, ENG/H 1618, ENG/S 248) Residential Nonpublic Sch Contracts, requires Education Commissioner to reimburse school districts for residential nonpublic school contracts. Creates 236.145 Effective Date 07/01/88 or upon becoming law, whichever occurs later
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Education, K - 12, Appropriations - HJ 84
04/22/88  HOUSE Subreferred to Subcommittee on Administration and Finance; On Committee agenda - Education, K - 12, 04/26/88, 1 45 pm, 214C - For ratification of subreferral
06/07/88  HOUSE Died in Committee on Education, K - 12, Iden /Sim / Compare bill passed, refer to SB 248 (Ch. 88-161)

H 870  GENERAL BILL/CS/ENG by Appropriations; Langton and others (Similar S 1394) Comprehensive Job Training, requires statewide comprehensive job training & vocational education study & report, provides for development of statewide job training policy, provides duties of Labor & Employment Security Dept., State Job Training Coordination Council. Requires Council on Vocational Education; requires governor to report to Governor, Legislature & State Bd. of Education, etc. Appropriation $50,000 Effective Date 07/01/88 or upon becoming law, whichever occurs later
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to International Trade & Economic Development; Appropriations - HJ 84
04/11/88  HOUSE On Committee agenda - International Trade & Economic Development - HJ 184
04/14/88  HOUSE Comm. Report Favorable with 1 amendment(s) by International Trade & Economic Development - HJ 184; Now in Appropriations - HJ 184
05/06/88  HOUSE On Committee agenda - Appropriations, 05/10/88, 1 15 pm, Morrill Hall
05/10/88  HOUSE Preliminary Committee Action by Appropriations Favorable as a Committee Substitute
05/19/88  HOUSE Comm. Report CS by Appropriations, placed on Calendar - HJ 499, CS read first time - HJ 498
05/31/88  HOUSE Placed on Special Order Calendar
06/01/88  HOUSE Retained on Regular Calendar
06/03/88  HOUSE Placed on second time; Amendments adopted, Read third time; CS passed as amended, YEAS 112 NAYS 0 - HJ 1310
06/03/88  SENATE In Messages
06/07/88  SENATE Died in Messages

H 871  GENERAL BILL  by Silver and others (Similar ENG/S 258) Milton Littman Memorial Bridge, designates bridge over Intracoastal Waterway at State Road 826 in Dade Co. as the Milton Littman Memorial Bridge Effective Date Upon becoming law
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Transportation - HJ 84
04/07/88  HOUSE Subreferred to Subcommittee on Transportation Facilities and Services, On Committee agenda - Transportation, 04/11/88, 3 30 pm, 214C - For ratification of subreferral; On Committee agenda - Transportation, 04/11/88, 3 30 pm, 214C

H 872  GENERAL BILL  by Bass (Identical S 548) Historical Archaeological Resources, authorizes Historical Resources Div. of Dept of State to acquire & maintain objects which have historical or archaeological value & relate to history, government, or culture of state, provides for inventory of such objects, provides for loan, exchange, or sale of such objects, exempt dw from surplus property requirements in any such loan, exchange, or sale, etc. Amends 267.061 Effective Date. 07/06/88
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Tourism & Cultural Affairs, Appropriations - HJ 84
04/08/88  HOUSE Subreferred to Subcommittee on Cultural Affairs
04/12/88  HOUSE On subcommittee agenda - Tourism & Cultural Affairs 04/14/88, 8 30 am, 212-HOB
04/14/88  HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
04/15/88  HOUSE On Committee agenda - Tourism & Cultural Affairs, 04/19/88, upon adjournment of subcommittee, 212-HOB
04/19/88  HOUSE Preliminary Committee Action by Tourism & Cultural Affairs Favorable
04/20/88  HOUSE Comm Report Favorable by Tourism & Cultural Affairs - HJ 229, Now in Appropriations - HJ 229
04/25/88  HOUSE Withdrawn from Appropriations - HJ 245, Placed on Calendar
05/11/88  HOUSE Placed on Special Order Calendar
05/16/88  HOUSE Read second time - HJ 487
05/17/88  HOUSE Read third time, passed. YEAS 115 NAYS 0 - HJ 513
05/18/88  SENATE In Messages
05/23/88  SENATE Received, referred to Governmental Operations, Appropriations - SJ 163
05/26/88  SENATE Withdrawn from Governmental Operations; Appropriations, Substitute for SB 548, Passed, YEAS 32 NAYS 0 - SJ 448
05/30/88  HOUSE Ordered enrolled
06/21/88  Signed by Officers and presented to Governor
07/06/88  Approved by Governor, Chapter No 88-351

H 873  GENERAL BILL  by Abrams (Similar S 444) Construction/Journeymen & Apprentices: provides definitions of scope of work by journeymen, apprentices & laborers engaged in construction or electrical construction; provides restrictions on scope of work of unskilled workers, provides grounds for disciplinary action against construction or electrical construction contractors, requires certain inspection by building code inspection agencies, provides for review & appeal. Creates 489 133,,639 Effective Date 10/01/88
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Regulatory Reform; Appropriations - HJ 84
06/07/88  HOUSE Died in Committee on Regulatory Reform

H 874  GENERAL BILL  by Smith Court Costs/Indigents: provides for payment of costs in cases where applicant is certified as indigent. Amends 67 081 Effective Date. 07/01/88 or upon becoming law, whichever occurs later
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Judiciary, Appropriations - HJ 84
04/12/88  HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law; On Committee agenda - Judiciary, 04/14/88, 8 30 pm, 214C - For ratification of subreferral
06/07/88  HOUSE Died in Committee on Judiciary

H 875  GENERAL BILL  by Smith County Auditor/Illegal Warrants, eliminates personal liability for circuit court clerks acting as county auditors who knowingly & willfully sign certain warrants. Amends 129 09 Effective Date 07/01/88 or upon becoming law, whichever occurs later
03/30/88  HOUSE Prefiled
04/06/88  HOUSE Introduced, referred to Judiciary - HJ 84
04/12/88  HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law; On Committee agenda - Judiciary, 04/14/88, 8 30 pm, 214C - For ratification of subreferral
06/07/88  HOUSE Died in Committee on Judiciary

H 876  GENERAL BILL/CS by Criminal Justice; Smith Gambling Evidence/Retention, deals with requirements that court must retain all gambling machines, apparatus, or devices, & contents, for arrest made under gambling statutes, requires that arresting agency retain such equipment & materials. Amends 849 17. Effective Date 07/01/88 or upon becoming law, whichever occurs later
03/30/88  HOUSE Prefiled

(Continued on next page)
H 1339 GENERAL BILL/CS by Finance & Taxation; Harden; Saunders and others (Similar CS/ENG/S 594)
Sales Tax/Pelagic Boat Exempted, exempts from such tax charges for chartering boat or vessel for fishing, provides exceptions Amends 212 06 Effective Date 07/01/88 or upon becoming law, whichever occurs later
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Natural Resources, Finance & Taxation - HJ 168
04/19/88 HOUSE Withdrawn from Natural Resources - HJ 187; Now in Fi­ance & Taxation
05/09/88 HOUSE On Committee agenda—Finance & Taxation, 05/11/88, 1.30 pm, 21-HOB—For subreferral only
05/18/88 HOUSE On Committee agenda—Finance & Taxation, 05/18/88, 8:00 am, 21 HOB; Preliminary Committee Action by Finance & Taxation Favorable as a Committee Substitute
05/25/88 HOUSE Comm Report CS by Finance & Taxation - HJ 717, CS read first time - HJ 717, Now in Appropriations - HJ 717
05/26/88 HOUSE On Committee agenda—Appropriations, 05/26/88, 3:00 pm, Morris Hall—Not considered
05/27/88 HOUSE On Committee agenda—Appropriations, 05/30/88, 8:00 am, Morris Hall
05/30/88 HOUSE Preliminary Committee Action by Appropriations Favor­able, Comm Report Favorable by Appropriations, placed on Calendar – HJ 906
05/31/88 HOUSE Died on Calendar, Iden /Sun /Compare Bill passed, refer to CS/SE 594 (Ch. 88-123)

H 1340 GENERAL BILL by Silver; Bloom; Lippman; Guber and others (Identical S 1243)
Weapons/Residency Requirements, authorizes Dept. of State to exempt certain persons from residency requirements for carrying concealed weapon or firearm, exempts information re such persons from public records law; authorizes Dept. of State to promulgate certain rules Amends 119.07, 790.06 Effective Date Upon becoming law.
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Criminal Justice - HJ 168
04/19/88 HOUSE Subreferred to Subcommittee on Crimes, Penalties and Prosecutions
04/18/88 HOUSE On Committee agenda—Criminal Justice, 04/20/88, 3:30 pm, Morris Hall—For ratification of subreferral
04/26/88 HOUSE On Committee agenda—Criminal Justice, 04/28/88, 8:00 pm, Morris Hall—Not considered
04/29/88 HOUSE On Committee agenda—Criminal Justice, 05/03/88, 8:00 am, Morris Hall—Not considered
05/06/88 HOUSE On Committee agenda—Criminal Justice, 05/10/88, 3:30 pm, Morris Hall—Temporarily passed
06/07/88 HOUSE Died in Committee on Criminal Justice

H 1341 GENERAL BILL/CS by Community Affairs; Sanderson and others (Identical CS/S 891)
Junk Storage/Local Ordinances, defines terms "junk" & "private property" & re defines term "law enforcement & Taxation" - HJ 187
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Community Affairs, Appropriations— HJ 168
04/25/88 HOUSE On Committee agenda—Community Affairs, 04/27/88, 8:00 am, 21-HOB—For ratification of subreferral
05/09/88 HOUSE On Subcommittee agenda—Community Affairs, 05/11/88, upon adjournment of full committee, 212-HOB
05/11/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable as a proposed Committee Sub­stitute
05/17/88 HOUSE On Committee agenda—Community Affairs, 05/19/88, 4:00 pm, 212-HOB
05/19/88 HOUSE Preliminary Committee Action by Community Affairs Fa­vorable as a Committee Substitute
05/24/88 HOUSE Comm Report CS by Community Affairs - HJ 675, CS read first time - HJ 675, Now in Appropriations - HJ 675

H 1342 GENERAL BILL by Friedman (Identical S 97)
Food Assistance Advisory Council, creates said council, provides for administra­tion by WIC Dept., prescribes qualifications for membership & minimum fre­quency of meetings, creates Food Assistance Grant Program, establishes stand­ards for making grants—in-aid to local food assistance organizations, setting amount & duration of grants, requires dept. to monitor & evaluate grant recip­ients' performance & to report to council, etc. Appropriation $2,500,000 Effective Date 10/01/88
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Health & Rehabilitative Services, Appropriations— HJ 168
04/15/88 HOUSE Subreferred to Subcommittee on Social, Economic and De­velopments, On subcommittee agenda—Health & Rehabilitative Services, 04/19/88, 11:5 pm, 415-HOB
04/19/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable with 1 amendment. On Commit­tee agenda, pending subcommittee action—Health & Re­habilitative Services, 04/20/88, 3:30 pm, 314-HOB
04/20/88 HOUSE Preliminary Committee Action by Health & Rehabilitative Services, Favorable with 1 amendment
04/25/88 HOUSE Comm. Report Favorable with 1 amendment(s) by Health & Rehabilitative Services—HJ 250, Now in Appropriations —HJ 250
05/23/88 HOUSE On Committee agenda—Appropriations, 05/24/88, 8:00 am, Morris Hall—For ratification of subreferral
06/07/88 HOUSE Died in Committee on Appropriations

H 1343 GENERAL BILL by Libertti (Identical CS/S 451, Compare CS/ENG/H 347)
Study Commission on Guardianship Law, THIS BILL COMBINED IN CS/H 347,866,1343 creates said commission, provides for appointment of members, provides duties & responsibilities, requires submission of reports, provides for staffing, pay for members & for expsion of commission Effective Date 07/01/88 or upon becoming law, whichever occurs later.
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Judiciary— Appropriations— HJ 189
04/19/88 HOUSE Subreferred to Subcommittee on Real Property and Fall1l­ments Program, authorizes developer to use cert. protected lands for specifi­c purposes, clarifies provisions re protection of endangered or threatened spe­cies & protect10n from hazardous or toxic substances, provides for resolution of certain conflicts, amends prov1sion re land authority created
04/21/88 HOUSE On committee agenda—Judiciary, 04/25/88, 3:30 pm, 16-HOB
04/25/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable as a proposed Committee Sub­stitute; On Committee agenda, pending subcommittee action—Judiciary, 04/27/88, 8:00 am, 214-C
04/27/88 HOUSE Preliminary Committee Action by Judiciary Favorable as a Committee Substitute
06/06/88 HOUSE CS combines this bill and 347 & 866, Comm. Report CS by Judiciary—HJ 359, Original bill laid on Table under rule, refer to combined CS/ HB 347 (Ch. 88-268) — HJ 359

H 1344 GENERAL BILL by Jamerson
Correctional Work Programs, revises requirements re correctional work pro­grams adopted by Corrections Dept., revises legislative intent re operation of such programs by a nonprofit corporation; renews requirements re purchases by state agencies from corporation, deletes authority of corporation to provide in­mate goods to private enterprises; requires corporation to submit annual per­formance statement, etc. Amends 946.006,502.515,516,519, 287.005 Effective Date 10/01/88
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Corrections, Probation & Parole, Appropriations— HJ 169
04/21/88 HOUSE On committee agenda—Corrections, Probation & Parole, 04/21/88, 8:00 am, 314-HOB—For ratification of subreferral
04/21/88 HOUSE Subreferred to Subcommittee on Prisons and Juvenile
06/07/88 HOUSE Died in Committee on Corrections, Probation & Parole

H 1345 GENERAL BILL/CS by Natural Resources, Langton (Compare CS/ENG/S 315, S 1008)
Land & Water Management/Planning, amends provision re Fla. Quality Devel­opment Program, authorizes developer to use certain protected lands for speci­fied purposes, clarifies provision for protection of endangered or threatened spe­cies & protection from hazardous or toxic substances, provides for resolution of certain conflicts, amends provisions re land authority created in counties where area of critical state concern is located. modifies power to acquire property, etc. Amends Ch. 980 Effective Date 10/01/88
04/07/88 HOUSE Filed
04/13/88 HOUSE Introduced, referred to Natural Resources, Appropriations— HJ 169

(continued on next page)
S 1360 (CONTINUED)
4/26/88 SENATE Introduced, referred to Economic Community and Consumer Affairs, Judiciary Civil, Finance, Taxation and Claims - SJ 176
4/29/88 SENATE Extension of time granted Committee Economic Community and Consumer Affairs
05/12/88 SENATE On Committee agenda—Economic Community and Consumer Affairs, 05/16/88, 2:00 pm, Room-H
05/13/88 SENATE Extension of time granted Committee Economic Community and Consumer Affairs
06/11/88 SENATE Withdrawn from Agriculture, Judiciary-Civil, Appropriations - SJ 262
04/28/88 SENATE Filed
06/01/88 SENATE Introduced, referred to Commerce, Finance, Taxation and Claims - SJ 358
05/25/88 SENATE Withdrawn from Finance, Taxation and Claims - SJ 402, Placed on Calendar
06/06/88 SENATE Placed on Special Order Calendar - SJ 713 - SJ 715, Placed on Consent Calendar - SJ 715, Iden / Sim House Bill substituted - SJ 788, Reconconsidered, Amendments adopted, Iden / Sim House Bill substituted, Last on Table under Rule, Iden / Sim / Compare Bill passed, refer to CS/HR 1203 (Ch 88-403) - SJ 778
S 1360 GENERAL BILL by Hill (Compare H 1396)
Tax Evader Study Commission, creates said commission, provides for appointment of members, provides duties, provides for abolition of commission Effective Date Upon becoming law
04/21/88 SENATE Filed
04/26/88 SENATE Introduced, referred to Governmental Operations, Finance, Taxation and Claims, Appropriations - SJ 176
05/02/88 SENATE Extension of time granted Committee Governmental Operations
05/13/88 SENATE Extension of time granted Committee Governmental Operations
05/17/88 SENATE Extension of time granted Committee Governmental Operations
06/07/88 SENATE Died in Committee on Governmental Operations
S 1361 GENERAL BILL by Kirkpatrick (Similar CS/CS/ENG/H 1455)
Package Sewage Treatment Facilities, directs D.E.R. to establish enforcement program for package sewage treatment facilities, provides penalties, revises notice requirements for abandonment of water or sewer utilities, specifies that package sewage treatment facility shall be considered constructively abandoned when so declared by dept. after certain violations, etc. Amend Ch 403, 367 165, creates 263 167 Effective Date 10/01/88
04/22/88 SENATE Filed
04/28/88 SENATE Introduced, referred to Natural Resources and Conservation; Economic, Community and Consumer Affairs, Appropriations - SJ 194
05/02/88 SENATE Extension of time granted Committee Natural Resources and Conservation
06/10/88 SENATE Extension of time granted Committee Natural Resources and Conservation
06/07/88 SENATE Died in Committee on Natural Resources and Conservation
S 1362 GENERAL BILL by Jeanne
Citrus Canker Litigation/Pending, provides appropriation to pay expenses of state agencies for citrus canker litigation Appropriation $150,000 Effective Date. Upon becoming law.
04/02/88 SENATE Filed
04/28/88 SENATE Introduced, referred to Agriculture, Judiciary-Civil, Appropriations - SJ 194
04/29/88 SENATE Extension of time granted Committee Agriculture, On Committee agenda - Agriculture, 05/03/88, 2:00 pm, Room-B—Temporarily postponed
05/11/88 SENATE Withdrawn from Agriculture, Judiciary-Civil, Appropriations, Indefinitely postponed - SJ 268
S 1363 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Stuart (Compare H 961)
Psychological Services/Consultant, revises provisions regarding licensure of psychologists, clinical social workers, marriage & family therapists, & mental health counselors Amend Ch 490 005; creates 490 013, 491 013 Effective Date 10/01/88
04/22/88 SENATE Filed
04/29/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs - SJ 194
05/29/88 SENATE Extension of time granted Committee Economic Community and Consumer Affairs
06/13/88 SENATE Extension of time granted Committee Economic Community and Consumer Affairs
S 1364 (CONTINUED)
05/19/88 SENATE On Committee agenda—Economic Community and Consumer Affairs, 05/23/88, 10:00 am, Room-H
05/23/88 SENATE Comm Report CS by Economic Community and Consumer Affairs, placed on Calendar - SJ 366
05/25/88 SENATE CS read first time - SJ 378
06/07/88 SENATE Died on Calendar
S 1364 GENERAL BILL/CS/ENG by Transportation; Dudley (Similar CS/H 564, Compare H 708)
State Highway System/Acces Mgmt.; creates “State Highway System Access Management Act”, provides for regulation of connections to roads on system, requires access permits, provides authority to close unpermitted connections, provides for permit conditions & expiration, provides for access mgmt standards & control classification system, provides for regulation of access by other governmental entities, etc. Amend 334 03, 044, 335 18, creates 335 181—189 Effective Date 07/01/88
04/29/88 SENATE Filed
05/02/88 SENATE Extension of time granted Committee Transportation
05/03/88 SENATE On Committee agenda—Transportation, 05/09/88, 2:00 pm, Room-C
05/09/88 SENATE Comm. Report CS by Transportation - SJ 273
05/12/88 SENATE CS read first time - SJ 275, Now in Economic Community and Consumer Affairs - SJ 275; On Committee agenda—Economic Community and Consumer Affairs, 05/16/88, 2:00 pm, Room-H
05/13/88 SENATE Extension of time granted Committee Economic Community and Consumer Affairs
05/29/88 SENATE Comm Report Favorable by Economic Community and Consumer Affairs, placed on Calendar - SJ 310
06/01/88 SENATE Placed on Consent Calendar - SJ 349
06/01/88 SENATE Placed on Consent Calendar - SJ 611; CS passed as amended, YEAS 33 NAYS 0 — SJ 709
06/02/88 HOUSE In Messages
06/06/88 HOUSE Received, placed on Calendar - HJ 1516, Read second time, Read third time, CS passed, YEAS 112 NAYS 0 — HJ 1516
06/06/88 Ordered enrolled - SJ 1088
06/16/88 Signed by Officers and presented to Governor
07/01/88 Approved by Governor, Chapter No 56 - 224
S 1365 GENERAL BILL by Thurman (Similar CS/H 324)
Horsemen/2nd 3rd 4th Place Award provides that breeder's & stallion awards be given at time determined by Fla. Thoroughbred Breeder's Assoc., authorizes breeder's & stallion awards for thoroughbred horses that finish 2nd, 3rd, or 4th in race, at option of association, association to establish uniform rate & procedure for payment of awards, deletes requirement specifying minimum amount of awards, etc. Amend 550 2616, 262 Effective Date 10/01/88
04/22/88 SENATE Filed
06/10/88 SENATE Introduced, referred to Commerce, Finance, Taxation and Claims - SJ 195
05/05/88 SENATE On Committee agenda—Commerce, 05/05/88, 1:00 pm, Room-H
05/05/88 SENATE Comm. Report Favorable by Commerce - SJ 246
05/06/88 SENATE Now in Finance, Taxation and Claims - SJ 246
05/13/88 SENATE Extension of time granted Committee Finance, Taxation and Claims
06/07/88 SENATE Extension of time granted Committee Finance, Taxation and Claims

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PAGE NUMBERS REFLECT DAILY SENATE AND HOUSE JOURNALS AND NOT FINAL BOUND JOURNALS

FLORIDA LEGISLATURE—REGULAR SESSION—1988

HISTORY OF SENATE BILLS

CONTINUED ON NEXT PAGE
§ 1369 (CONTINUED)
orders to requirements applicable to land development regulations implementing comprehensive plans, specifies conditions under which vested rights remain valid. Amends §80.66 Effective Date: 07/01/88 or upon becoming law, whichever occurs later.

04/28/88 SENATE Filed
04/28/88 SENATE Introduced, referred to Natural Resources and Conservation, Economic, Community and Consumer Affairs - SJ 196

04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation

05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation

05/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation

06/07/88 SENATE Died in Committee on Natural Resources and Conservation, Iden. /Sim. /Compare bill passed, refer to CS/SB 315 (Ch. 88-164)

§ 1370 GENERAL BILL by Malchin (Similar S 1352, Compare CS/H 425, CS/CS/ENG/S 534)
Health Care Responsibility Indigents: renames “The Florida Health Care Responsibility Act of 1988”; specifies financial responsibilities of hospitals & counties for certified indigent patients; requires hospitals to notify H.S. Dept. of indigent patient admissions within specified time period, specifies obligation of participating hospitals to admit patients, etc. Amends Ch. 154, repealed 212 053.51 Effective Date: 10/01/88

04/22/88 SENATE Filed
04/28/88 SENATE Introduced, adopted - SJ 196

04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services, Economic, Community and Consumer Affairs; Finance, Taxation and Claims, Appropriations - SJ 195

05/13/88 SENATE Extension of time granted Committee Health and Rehabilitative Services

05/27/88 SENATE Extension of time granted Committee Health and Rehabilitative Services

06/07/88 SENATE Died in Committee on Health and Rehabilitative Services, Iden. /Sim. /Compare bill passed, refer to CS/CS/SB 534 (Ch. 88-294)

§ 1371 RESOLUTION by W.D. Childers
Gulf Breeze Sports Association: recognizes Gulf Breeze Sports Association as 1987 National Cheerleading Champions

04/22/88 SENATE Filed
04/28/88 SENATE Introduced, Adopted - SJ 165

§ 1372 GENERAL BILL/CS by Woodson and others (Similar ENG/H 1578, Compare H 966, H 1370, H 1616, H 1624, ENG/H 1626, S 196, CS/CS/1007, CS/ENG/S 1008, S 1079)
Developmental Disabilities: modifies language re retardation & developmental disabilities; recognizes epilepsy as developmental disability & handicapping condition; provides for comprehensive program of services for persons with epilepsy; provides for independence & administrative operation of Developmental Disabilities Council; provides for planning & implementation of programs for prevention or cure of developmental disabilities, etc. Amends F S Effective Date: 10/01/88 except as otherwise provided.

04/22/88 SENATE Filed
04/28/88 SENATE Introduced, referred to Health and Rehabilitative Services, Judiciary-Civil Finance, Taxation and Claims, Appropriations - SJ 195

04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services

05/13/88 SENATE On Committee agenda—Health and Rehabilitative Services, 10/17/88, 3:30 pm, Room A, Extension of time granted Committee Health and Rehabilitative Services

05/17/88 SENATE Committee Report CS by Health and Rehabilitative Services

06/07/88 SENATE Died in Committee on Appropriations, Iden. /Sim. /Compare bill passed, refer to CS/CS/SB 534 (Ch. 88-398) & HB 1016 (Ch. 88-396)

§ 1373 GENERAL BILL/CS by Hollagsworth (Compare CS/SB 345)
Rural Hospitals: specifies definition of terms "rural hospital," "rural area health education center," & "swing bed," requires each primary care program established for Medicaid recipients & low-income persons to use services provided by rural hospitals, requires H.S. Dept. to use such hospitals in providing services for the aged, etc. Amends §154 011, 409 266, 410 018 Appropriation Effective Date 07/01/88 or upon becoming law, whichever occurs later

04/22/88 SENATE Filed
04/28/88 SENATE Introduced, referred to Health and Rehabilitative Services, Appropriations - SJ 196

04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services

05/13/88 SENATE Extension of time granted Committee Health and Rehabilitative Services

05/19/88 SENATE On Committee agenda—Health and Rehabilitative Services, 05/23/88, 2:00 pm, Room A


06/05/88 SENATE Died in Committee on Appropriations, Iden. /Sim. /Compare bill passed, refer to CS/SB 534 (Ch. 88-294)

§ 1374 GENERAL BILL by Kiser (Compare CS/ENG/H 439)
Custodial Property/Minors: provides that provision of Transfers to Minors Act which allows custodian to use custodial property for certain purposes naming minor’s estate, or custodian in capacity of custodian as beneficiary may not be interpreted as precluding transfer of property to custodian which names any other person as beneficiary if premium for policy has been paid for out of funds that are not custodial property, etc. Amends 710 114. Effective Date 10/01/88

04/28/88 SENATE Filed
04/28/88 SENATE Introduced, referred to Judiciary-Civil -SJ 196

04/29/88 SENATE Extension of time granted Committee Judiciary-Civil

05/19/88 SENATE Extension of time granted Committee Judiciary-Civil

05/27/88 SENATE Died in Committee on Judiciary-Civil

06/07/88 SENATE Died in Committee on Judiciary-Civil

§ 1375 GENERAL BILL/CS by Commerce; Thurman and others (Similar CS/H 718)
Preneed Funeral Merchandise Contract: exempts certain corporations from needing certificate of authority, provides for disclosure of preneed contract; provides for annual report on trusts & fine for failure to file report, creates Preneed Funeral Contract Consumer Protection Trust Fund; provides for ownership of proceeds received on contracts; provides for alternative preneed contracts, provides for applicability of amendments. Effective Date 10/01/88

04/22/88 SENATE Filed
04/28/88 SENATE Introduced, referred to Commerce - SJ 196

05/28/88 SENATE Extension of time granted Committee Commerce

05/22/88 SENATE On Committee agenda—Commerce, 05/18/88, 2:00 pm, Room A

05/13/88 SENATE Extension of time granted Committee Commerce

05/16/88 SENATE Comm. Report CS by Commerce, placed on Calendar - SJ 311

05/18/88 SENATE CS read first time - SJ 313

06/26/88 SENATE Placed on Special Order Calendar - SJ 436, CS passed, YEAS 33 NAYS 0 - SJ 447

05/30/88 HOUSE In Messages

05/31/88 HOUSE Received, placed on Calendar - HJ 1073

06/01/88 HOUSE Substituted for CS/HB 718, Read second time; Read third time; CS passed, YEAS 114 NAYS 0 - HJ 1170

06/14/88 HOUSE On Committee agenda—H.J. 1073, Adjourned - SJ 350

06/28/88 HOUSE Signed by Officers and presented to Governor

07/08/88 HOUSE Approved by Governor, Chapter No 88-139

§ 1376 GENERAL BILL/CS by Natural Resources and Conservation; Grixalis (Identical CS/H 998)
Geophysical Exploration: authorizes D N R to adopt rules to require reasonable bond re certain geophysical exploration, authorizes forms of security, other than bond, re exploration for oil, gas, or minerals by means of geophysical activities; provides manner of providing security for such exploration, drilling, & production, provides for lawful right to drill, develop, or explore, defines word "term" Amends 377 22, 2424, 253.55, creates 377 2411, 2425 Effective Date: 07/01/88 or upon becoming law, whichever occurs later

04/22/88 SENATE Filed
04/29/88 SENATE Introduced, referred to Natural Resources and Conservation, Finance, Taxation and Claims, Appropriations - SJ 196

04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation

05/13/88 SENATE On Committee agenda—Natural Resources and Conservation, 05/19/88, 10:00 pm, Room H - SJ 341

05/19/88 SENATE Comm. Report CS by Natural Resources and Conservation - SJ 358

06/05/88 SENATE CS read first time - SJ 362, Now in Finance, Taxation and Claims

06/25/88 SENATE Withdrawn from Finance, Taxation and Claims - SJ 402, Now in Appropriations

05/31/88 SENATE Withdrawn from Appropriations - SJ 572, Placed on Calendar

06/02/88 SENATE Placed on Consent Calendar—SJ 715, Iden. /Sim. House Bill substituted. Laid on Table under Rule, Iden. /Sim. /Compare bill passed, refer to CS/HB 996 (Ch. 88-278) & SJ 769

(PAGE NUMBERS REFLECT DAILY SENATE AND HOUSE JOURNALS AND NOT FINAL BOUND JOURNALS)
The Committee on Natural Resources recommended the following amendment which was moved by Senator... and adopted.

Senate Amendment

On page 1, line 16, strike everything after the enacting clause.

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

Section 1. Paragraph (d) is added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.--
(24) STATUTORY EXEMPTIONS.--
(d) Any proposed addition or cumulative additions subsequent to the effective date of this act to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 50 percent of the capacity of the existing facility.

Section 2. Subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.--
(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other. The state-land-planning-agency-shall-recommend-to-the administration-commission-specific-criteria-to-be-used-in determining-whether-two-or-more-developments-shall-be
SENATE COMMITTEE AMENDMENT

The Committee on .. recommended the following amendment which was moved by Senator .. and adopted:

Amendment

On page 1, line 20, strike ...

and insert:

15

CODING: Words in struck through type are deletions from existing law; words underlined are additions.

Amendment No. , taken up by committee: Adopted *
* Offered by Failed *

(Amendment No. Adopted Failed Date / / )
SENATE COMMITTEE AMENDMENT
SB 315
HB ___

The Committee on Natural Resources recommended the following amendment which was moved by Senator ...and adopted:

Senate Amendment to Amendment #1

On page 1..........., lines 12-20...., strike
all of said lines

If amendment is text from another bill insert:

Bill No. ______ Draft No. ______ With Changes? Yes

and insert:

Explanation: Strikes provisions relating to DRI exemption for an existing sports facility. Local governments need to review impacts of such facilities on roads, parking, bathroom facilities, etc.

CODING: Words struck are deletions; words underlined are additions.

** Amendment No. ___, taken up by committee: Adopted ___ *

* Offered by ___ Failed ___ *

(Amendment No. ___ Adopted ___ Failed ___ Date ____/____/____)
**BILL VOTE SHEET**

(1988: File with Secretary of Senate)  
BILL NO.  **SB 315**

**COMMITTEE ON:** Natural Resources and Conservation

**DATE:** May 19, 1988  
**ACTION:**
- Favorably with ___ amendments
- Favorably with Committee Substitute
- Unfavorably
- Submitted as a Committee Bill
- Temporarily Passed
- Reconsidered
- Not Considered

**TIME:** 10:00 a.m. - 12:00 p.m.

**PLACE:** Room H, Senate Office Building

**OTHER COMMITTEE REFERENCES:** (in order shown)


THE VOTE WAS:

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* Present at the table without objection

Please Complete:  
The Key sponsor appeared ( X )
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance ( X )
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<th>PRIME BILL NUMBER</th>
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<td>88/S0315 *</td>
<td>general</td>
<td>Kiser</td>
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**PRIME BILL TITLE (short title)**

Developments of Regional Impact

**SIMILAR/IDENTICAL BILL SUBSTITUTED BY PRIME BILL:** 88/H1345

**DOCUMENTATION REPRODUCED**

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**NOTE:** Consult the Final Legislative Bill Information (from Joint Legislative Management Committee, Division of Legislative Information, 1988) for more detailed bill history data. If prime bill number above is followed by an asterisk (*), it was amended on the floor, and the staff analysis for that bill may not be in accordance with the enacted law. The analyses reproduced here were supplied by the appropriate committee, who is solely responsible for their accuracy and completeness.

**ADDITIONAL INFORMATION:** (FRM 25-12/88)
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST
1. Stephens
2. 
3. 
4. 

STAFF DIRECTOR
Voigt

REFERENCE
1. NRC
2. 
3. 
4. 

ACTION

SUBJECT:
Developments of Regional Impact

BILL NO. AND SPONSOR:
SB 315 by Senator Kiser

I. SUMMARY:

A. Present Situation:

A development of regional impact (DRI) is a development project due to its character, magnitude, or location that would have a substantial impact upon the health, safety, or welfare of citizens of more than one county. Unlike most regulatory permits, it is an inter-governmental planning process, involving required review and approval by the local, regional, and state levels. This three-tiered review process is one distinction which makes the process unique and uncertain.

Some of the present DRI problem areas include the expense and delays in DRI review, the inability to consider cumulative impacts of smaller developments below DRI thresholds, lack of coordination with permitting agencies, exactions by local governments, and lack of predictability with existing presumptions.

The 1985 Growth Management Act made many important changes to the operating features of this law to allow more predictability in the administration of the law. Specifically, the 1985 law, among other things, clarified the substantial deviation process by creating additional criteria to determine what constitutes a substantial deviation, and the 1985 law provided criteria to determine when certain multi-use development activities are required to undergo development of regional impact review. However, some development interests contend these and other aspects of the DRI law still operate to discourage development activities from undergoing the review required by law and may discourage sound land planning processes.

B. Effect of Proposed Changes:

Any proposed changes to a previously approved development of regional impact (DRI) or development order which, either individually or cumulatively, exceed any of the criteria set out in s.380.06 (19)(b), F.S., constitute a substantial deviation and shall cause the development to be subject to further DRI review without the necessity for a local government to make that decision.

Any proposed changes which, either individually or cumulatively, are less than or equal to any of the criteria listed in paragraph 380.06 (19)(b), F.S., or involve an extension of the date of buildout of a development of less than 5 years do not create a substantial deviation subject to further DRI review. A change to a development order condition identified as a local issue in the regional report required by s. 380.06 (12), F.S., or identified as a local issue in the development order does not create a substantial deviation subject to further DRI review. Any change to a development order as a result of the provisions described in this paragraph
is not subject to appeal pursuant to s. 380.07, F.S., but must be reported to the regional planning agency and the state land planning agency for informational purposes. Any report of a change to a previously approved development, which approval was granted by a local government as a result of the provisions of this paragraph, must include a description of individual changes previously made to the development. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively exceed the criteria listed in s. 380.06 (19) (b) and (c), F.S.

The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved DRI which may require further DRI review. If a local government determines that a proposed change does not require further DRI review and is otherwise approvable pursuant to local land development regulations, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change.

The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the criteria set forth in s. 380.06 (12) and (13) or (14), whichever is applicable. If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

Any proposed development with two or more land uses under common ownership, development plan, advertising, or management where the sum of the percentages of the appropriate thresholds identified in Chapter 27F-2, Florida Administrative Code, or s. 380.0651, F.S., for each land use in the development is equal to or greater than 160 percent shall be required to undergo a DRI review.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

No additional costs would be charged for persons subject to this law.

B. Government:

No additional costs would be incurred by the Department in implementing these procedures.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
SUBJECT: BILL NO. AND SPONSOR:

Developments of Regional Impact

CS/SB 315 by NRC Committee and Senator Kiser

I. SUMMARY:

A. Present Situation:

A development of regional impact (DRI) is a development project due to its character, magnitude, or location that would have a substantial impact upon the health, safety, or welfare of citizens of more than one county. Unlike most regulatory permits, it is an inter-governmental planning process, involving required review and approval by the local, regional, and state levels. This three-tiered review process is one distinction which makes the process unique and uncertain.

Some of the present DRI problem areas include the expense and delays in DRI review, the inability to consider cumulative impacts of smaller developments below DRI thresholds, lack of coordination with permitting agencies, exactions by local governments, and lack of predictability with existing presumptions.

The 1985 Growth Management Act made many important changes to the operating features of this law to allow more predictability in the administration of the law. Specifically, the 1985 law, among other things, clarified the substantial deviation process by creating additional criteria to determine what constitutes a substantial deviation, and the 1985 law provided criteria to determine when certain multi-use development activities are required to undergo development of regional impact review. However, some development interests contend these and other aspects of the DRI law still operate to discourage development activities from undergoing the review required by law and may discourage sound land planning processes.

B. Effect of Proposed Changes:

Section 1. Amends s. 380.06, F.S.

Rules of permit agencies adopted pursuant to chapters 403 and 373 in effect when the development order is issued shall be applied to permit applications for that development for 5 years, unless changes to the rules were clearly shown to be essential to the public, health, safety or welfare, and other specified criteria.

Existing law provides that proposed changes to previously approved DRI's shall require further DRI review if they exceed specific numerical criteria in Subsection 380.06(19). All changes below those numerical criteria are presumed not to require further DRI review, but do require a public hearing to approve minor changes, and are subject to an appeal by the DCA or RPC.

The bill would amend present law to provide that proposed changes to an approved DRI that are less than 40% of the existing numerical criteria are not substantial deviations and would not require a public hearing to determine whether the
change is substantial. Notice of such minimal changes must be given to the State Land Planning Agency and Regional Planning Council, but if the changes were to a DRI development order issued after January 1, 1980, they may not be appealed by the Land Planning Agency or Regional Planning Council unless the change caused a substantial impact on an archaeological or natural resource that had not been previously identified.

Clarifies the wording of existing law by providing that, following notice to DCA of vested rights based upon platting alone, such rights may be preserved after June 30, 1990, only if development of the vested plan commences prior to that date.

Adds an exemption from DRI review for additions to existing university sports facilities that increase the seating capacity by up to 15%.

Present law requires that actual notice of the local government's public hearing on an areawide DRI petition be given to all owners of land within the proposed areawide. The proposed change would allow public notice to be given by newspaper advertisement if the areawide petitioner is a local government. Actual notice would still be required if a Petitioner is an entity other than a local government.

Section 2. Amends s. 380.061, F.S. (Florida Quality Developments Program)

Clarifies provisions of the original Florida Quality Development (FQD) Program so that it will be utilized more often.

The principle features of this section are:

(a) Greater certainty is created in the FQD designation process by more clearly specifying the steps necessary for designation and by providing for the conversion of proposed FQD projects to the development of regional impact review process.

(b) General standards are provided for assessing the mitigation needed for development impacts on transportation and other public facilities and services.

(c) The roles of the reviewing agencies are more clearly laid out.

(d) Guidelines are established for the nature, type and extent of activities that will be permitted in protected and environmentally sensitive lands.

(e) The scope of the program is broadened to include a variety of other development features that will be considered for designation purposes (e.g., affordable housing, mass transit, and downtown revitalization).

(f) Explicit language is added to encourage an expeditious review of FQD applications.

Section 3. Amends s. 380.0651, F.S. (Aggregation)

Specifies that for two or more developments to be aggregated and reviewed under the DRI law, they must be physically proximate and part of a unified plan of development. The amendment requires that two of five listed factors must be present to determine that there is a unified plan of development. Activities are also listed that may not be considered in determining whether to aggregate. The amendments change existing law which requires that there be common ownership or majority interest in developments before they may be aggregated. The provisions in s. 380.0651 (4), F.S., shall
be repealed on October 1, 1993, and shall be reviewed by the Legislature prior to that date.

Raises the marina ORI thresholds from 100 to 150 for wet slips and from 150 to 200 for dry slips. If a proposed marina contains both wet and dry slip subcategories, the threshold would be that the sum of the percentages of the wet and dry slips threshold equals 100%.

 Raises the threshold for multi-use DRI from 130% to 145%, that being the sum of the percentages of the appropriate DRI thresholds for each land use in the development. Raises the threshold for multi-use DRI's to 160% if three or more land uses are present, one of which is a residential use with 100 dwelling units or 15% of the applicable residential threshold, whichever is greater.

Section 4. Amends s.380.0662, F.S.

This clarifies the definition of "Pledged revenues" to allow such revenues to pay principal and interest on bonds as well as insurance and cash revenues required on bonds.


Clarification of existing language as to a land authority's ability to purchase property on other acquisition lists, including the Conservation and Recreational Lands (CARL) program.

Section 6. Amends s. 380.0667, F.S. (Acquisitions by Land Authority)

Clarification that the initial offers by the Authority can be at either 115% of the property appraiser's last assessment prior to June 1, 1986, or, alternatively, at appraised value if a land authority is reimbursed for the cost of the appraisal and the property appraiser approves the appraisal.

Section 7. Amends s. 380.0668, F.S. (Bonds of Land Authority)

The Division of Bond Finance and the Attorney for the Land Authority have identified several glitches in the enabling authority for the Land Authority relating to the issuance of bonds. Clarifying language is provided:

(a) to allow the Land Authority to use private placement bonds,

(b) to assure that employees of the Land Authority are not personally liable for the bonds, and

(c) to assure that the surcharge levied pursuant to law within an area of critical state concern (ACSC) concern remains until all bonds are retired even if the ACSC designation is removed.

Section 8. Amends s. 380.0669 (State and local government liability on bonds)

Clarifies revenues pledged for bonds designated by this act.

Section 9. Amends s. 380.0685, F.S. (Surcharges on state park admissions in areas of critical state concern)

An increase in the current administrative allowance from the admission proceeds for the Land Authority of 5% to a more reasonable 10%. This 10% is much more typical of overhead charges.

II. ECONOMIC IMPACT AND FISCAL NOTE:
A. Public:

No additional costs would be charged for persons subject to this law.

B. Government:

No additional costs would be incurred by the Department in implementing these procedures.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. PRESENT SITUATION:

Section 380.06(1) defines a development of regional impact (DRI) as "any development which, because of its character, magnitude, or location, would have a substantial impact upon the health, safety, or welfare of the citizens of more than one county." Section 380.06, F.S. establishes detailed procedures for review of DRIs by local governments, regional planning councils and the Department of Community Affairs (DCA). The Department of Community Affairs is responsible for the administration of the program at the state level.

Chapter 380.061, F.S., also establishes the Florida's Quality Developments Program. The program encourages thoughtful quality development by providing a review process for well-designed and environmentally sensitive developments of regional impact as an alternative to the DRI process. While the Florida's Quality Developments Program has had moderate success since its inception, it has become clear that certain clarifications are needed to the original language.

In 1986, the Legislature passed HB 1405 which has since been codified as sections 380.066-380.0675 and 125.0108, Florida Statutes. These sections allowed local governments within areas of critical state concern to establish land authorities which could, among other things, purchase property that could be developed but for implementation of very stringent local government comprehensive plans.

At present, the Monroe County Land Authority is the only such land authority in operation. It is now in the posture of commencing to consolidate lots and buy property. A review of the enabling legislation has indicated to its counsel and the Division of Bond Finance of the Department of General Services that there are several "glitches" in its ability to issue bonds which, if fixed, would bring the legislation in line with current state bond law.

B. EFFECT OF PROPOSED CHANGES:
The name of the Florida's Quality Developments (FQD) Program is changed to The Florida Quality Developments Program. This bill also adds language to encourage expeditious review of proposed developments by all agencies with jurisdiction over the project; which clarifies the intent of the FQD program. The bill lends flexibility to developer eligibility by deleting the requirement that the developer enter into a binding agreement with the Board of Trustees of the Internal Improvement Trust Fund or the appropriate water management district and to donate a fee or lesser interest sufficient to protect the natural attributes of the land. Instead, a developer may enter into a binding commitment (with whom is no longer specified) or enter into a binding commitment that runs with the land to provide the required protection.

Language is added to provide flexibility regarding what may be done in DER jurisdictional wetlands. The bill also clarifies the types of habitat to be preserved. It specifies that hazardous and toxic wastes produced in nonsignificant amounts or as would occur through household or incidental use will not be considered in the FQD review. The bill allows some uses in Class II, aquatic preserves, and Outstanding Florida Waters, by referencing the uses allowed in s. 403.813(2). The bill specifies what standards should be applied in determining the necessary mitigation for transportation impacts. This language essentially makes the onsite transportation standards for FQDs the same as the standards for DRIs. Standards for offsite transportation impacts are also addressed. A reference to the comprehensive regional policy plans is added; deleting the requirement that applicants enter into a binding agreement with the DCA and requiring instead consistency with the state plan, state land development plan, the applicable regional policy plan and the local comprehensive plan.

A list of additional amenities that will be considered for determining whether a project should be designated as an FQD is added by this bill. Current language is stricken regarding the contents of the FQD application and the bill specifies that the department shall adopt an application for development designation. The bill outlines the procedures for setting up preapplication meetings. Additionally, the bill specifically refers to regional planning council and local government participation in the preapplication process. The bill designates the department as the lead agency in coordinating the review process.

FQD applicants can automatically convert from FQD review to a DRI review without having to start all over again pursuant to the provisions of this bill. It specifies further that the required FQD preapplication meeting satisfies the meeting required under s. 380.06, F.S., and that if a project has undergone a completeness review, a finding of completeness (required for FQD application) can be converted to a finding of sufficiency (required for DRI application) by the regional planning council. The bill outlines the roles of the local government and the regional planning council in drafting of the FQD development order. Additionally, the bill provides that if the local planning council and the regional planning council give conflicting recommendations, the department shall resolve the conflicts in the development order. Finally, the bill provides the department with rulemaking authority.

This bill amends ss. 380.0662, 380.0666, 380.0667, 380.0668, 380.0669, and 380.0685 by repairing glitches in the current statute that impair the ability of the land authority to issue bonds thus bringing the legislation in line with current state bond law.

C. SECTION-BY-SECTION ANALYSIS: 1892
Section 1 -- Changes the name of the Florida's Quality Developments program, provides clarification of old language, specifies new standards for FQD program, gives rulemaking authority to the department.

Section 2 -- Amends s. 380.0662 by changing the definition of "pledged revenues".

Section 3 -- Amends s. 380.0666 clarifying the existing language as to a land authorities' ability to purchase property on other acquisition lists.

Section 4 -- Amends s. 380.0667 by adding alternative criteria to qualify for an option for land acquisition.

Section 5 -- Amends s. 380.0668 by restricting the types of bonds allowed to be issued to revenue bonds; changing the composition of the debt service reserve account; providing for the use of an insurance policy or letter of credit in lieu of a debt service reserve account; defining a land authority as a state agency; providing for a resolution; adding clarifying language.

Section 6 -- Amends s. 380.0669 by deleting reference to "tax revenues" and leaving "revenues".

Section 7 -- Amends s. 380.0685 by increasing the current administrative allowance from 5 percent to 10 percent.

Section 8 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   None

2. Recurring or Annualized Continuation Effects:

   None

3. Long Run Effects Other Than Normal Growth:

   None

4. Appropriations Consequences:

   None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

   None

2. Recurring or Annualized Continuation Effects:

   None
Increasing the amount of state money local governments can use to purchase property in areas of critical state concern will place less of a burden on the taxpayers in a given local area to support the administration of such purchases.

3. **Long Run Effects Other Than Normal Growth:**

   None

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**

   None

2. **Direct Private Sector Benefits:**

   None

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

   None

D. **FISCAL COMMENTS:**

   The Departments of Natural Resources, Environmental Regulation, and Community Affairs have indicated that there is no fiscal impact imposed by the bill. It is estimated that any additional workload can be absorbed within existing resources.

III. **LONG RANGE CONSEQUENCES:**

   Indeterminate.

IV. **COMMENTS:**

   The Department of Community Affairs supports this bill.

V. **AMENDMENTS:**

   None.

VI. **SIGNATURES:**

   **SUBSTANTIVE COMMITTEE:**
   Prepared by: M. Howell
   Staff Director: Barry Kling

   **FINANCE & TAXATION:**
   Prepared by: 
   Staff Director:

   __1894__
I. SUMMARY:

A. PRESENT SITUATION:

Section 380.06(1) defines a development of regional impact (DRI) as "any development which, because of its character, magnitude, or location, would have a substantial impact upon the health, safety, or welfare of the citizens of more than one county." Section 380.06, F.S. establishes detailed procedures for review of DRIs by local governments, regional planning councils and the Department of Community Affairs (DCA). The Department of Community Affairs is responsible for the administration of the program at the state level.

Chapter 380.061, F.S., also establishes the Florida's Quality Developments Program. The program encourages thoughtful quality development by providing a review process for well-designed and environmentally sensitive developments of regional impact as an alternative to the DRI process. While the Florida's Quality Developments Program has had moderate success since its inception, it has become clear that certain clarifications are needed to the original language.

In 1986, the Legislature passed HB 1405 which has since been codified as sections 380.066-380.0675 and 125.0108, Florida Statutes. These sections allowed local governments within areas of critical state concern to establish land authorities which could, among other things, purchase property that could be developed but for implementation of very stringent local government comprehensive plans.

At present, the Monroe County Land Authority is the only such land authority in operation. It is now in the posture of commencing to consolidate lots and buy property. A review of the enabling legislation has indicated to its counsel and the Division of Bond Finance of the Department of General Services that there are several "glitches" in its ability to issue bonds.
which, if fixed, would bring the legislation in line with current state bond law.

B. EFFECT OF PROPOSED CHANGES:

The name of the Florida's Quality Developments (FQD) Program is changed to The Florida Quality Developments Program. This bill also adds language to encourage expeditious review of proposed developments by all agencies with jurisdiction over the project; which clarifies the intent of the FQD program. The bill lends flexibility to developer eligibility by deleting the requirement that the developer enter into a binding agreement with the Board of Trustees of the Internal Improvement Trust Fund or the appropriate water management district and to donate a fee or lesser interest sufficient to protect the natural attributes of the land. Instead, a developer may enter into a binding commitment (with whom is no longer specified) or enter into a binding commitment that runs with the land to provide the required protection.

Language is added to provide flexibility regarding what may be done in DER jurisdictional wetlands. The bill also clarifies the types of habitat to be preserved. It specifies that hazardous and toxic wastes produced in nonsignificant amounts or as would occur through household or incidental use will not be considered in the FQD review. The bill allows some uses in Class II, aquatic preserves, and Outstanding Florida Waters, by referencing the uses allowed in s. 403.813(2). The bill specifies what standards should be applied in determining the necessary mitigation for transportation impacts. This language essentially makes the onsite transportation standards for FQDs the same as the standards for DRIs. Standards for offsite transportation impacts are also addressed. A reference to the comprehensive regional policy plans is added; deleting the requirement that applicants enter into a binding agreement with the DCA and requiring instead consistency with the state plan, state land development plan, the applicable regional policy plan and the local comprehensive plan.

A list of additional amenities that will be considered for determining whether a project should be designated as an FQD is added by this bill. Current language is stricken regarding the contents of the FQD application and the bill specifies that the department shall adopt an application for development designation. The bill outlines the procedures for setting up preapplication meetings. Additionally, the bill specifically refers to regional planning council and local government participation in the preapplication process. The bill designates the department as the lead agency in coordinating the review process.

FQD applicants can automatically convert from FQD review to a DRI review without having to start all over again pursuant to the provisions of this bill. It specifies further that the required FQD preapplication meeting satisfies the meeting required under s. 380.06, F.S., and that if a project has undergone a...
completeness review, a finding of completeness (required for FQD application) can be converted to a finding of sufficiency (required for DRI application) by the regional planning council. The bill outlines the roles of the local government and the regional planning council in drafting of the FQD development order. Additionally, the bill provides that if the local planning council and the regional planning council give conflicting recommendations, the department shall resolve the conflicts in the development order. Finally, the bill provides the department with rulemaking authority.

This bill amends ss. 380.0662, 380.0666, 380.0667, 380.0668, 380.0669, and 380.0685 by repairing glitches in the current statute that impair the ability of the land authority to issue bonds thus bringing the legislation in line with current state bond law.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Changes the name of the Florida's Quality Developments program, provides clarification of old language, specifies new standards for FQD program, gives rulemaking authority to the department.

Section 2 -- Amends s. 380.0662 by changing the definition of "pledged revenues".

Section 3 -- Amends s. 380.0666 clarifying the existing language as to a land authorities' ability to purchase property on other acquisition lists.

Section 4 -- Amends s. 380.0667 by adding alternative criteria to qualify for an option for land acquisition.

Section 5 -- Amends s. 380.0668 by restricting the types of bonds allowed to be issued to revenue bonds; changing the composition of the debt service reserve account; providing for the use of an insurance policy or letter of credit in lieu of a debt service reserve account; defining a land authority as a state agency; providing for a resolution; adding clarifying language.

Section 6 -- Amends s. 380.0669 by deleting reference to "tax revenues" and leaving "revenues".

Section 7 -- Amends s. 380.0685 by increasing the current administrative allowance from 5 percent to 10 percent.

Section 8 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

STANDARD FORM 3/88
2. **Recurring or Annualized Continuation Effects:**
   
   None.

3. **Long Run Effects Other Than Normal Growth:**
   
   None.

4. **Appropriations Consequences:**
   
   None.

B. **FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. **Non-recurring or First Year Start-Up Effects:**
   
   None.

2. **Recurring or Annualized Continuation Effects:**
   
   Increasing the amount of state money local governments can use to purchase property in areas of critical state concern will place less of a burden on the taxpayers in a given local area to support the administration of such purchases.

3. **Long Run Effects Other Than Normal Growth:**
   
   None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**
   
   None.

2. **Direct Private Sector Benefits:**
   
   None.

3. **Effects on Competition, Private Enterprise, and Employment Markets:**
   
   None.

D. **FISCAL COMMENTS:**

   The Departments of Natural Resources, Environmental Regulation, and Community Affairs have indicated that there is no fiscal impact imposed by the bill. It is estimated that any additional workload can be absorbed within existing resources.

III. **LONG RANGE CONSEQUENCES:**

   Indeterminate.
IV. COMMENTS:

The Department of Community Affairs supports this bill.

V. END OF SESSION UPDATE:

CS/HB 1345 was laid on the table, but its provisions passed as part of SB 315.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: 

Martha N. Howell

FINANCE & TAXATION:
Prepared by: 

Staff Director:

APPROPRIATIONS:
Prepared by: 

Staff Director:
I. SUMMARY:

A. PRESENT SITUATION:

Section 380.06(1) defines a development of regional impact (DRI) as "any development which, because of its character, magnitude, or location, would have a substantial impact upon the health, safety, or welfare of the citizens of more than one county."

Section 380.06, F.S. establishes detailed procedures for review of DRIs by local governments, regional planning councils and the Department of Community Affairs. The Department of Community Affairs (DCA) is responsible for the administration of the program at the state level.

Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code, establish the thresholds for various types of developments. If a development exceeds the size established by one of these thresholds, it must undergo DRI review. The DRI review is intended to help eliminate or mitigate the adverse regional impacts of developments of regional impact.

B. EFFECT OF PROPOSED CHANGES:

The bill exempts any proposed addition to an existing sports facility complex owned by a state university if the addition's seating capacity is no more than 50 percent of the capacity of the existing facility and the added seating capacity is used no more than eight times per year. This exemption could only be utilized for state university stadium expansions.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Creates a DRI review exemption for additions to existing sports facility complexes owned by state university systems in certain circumstances.

Section 2 -- Provides an effective date.
II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:
   1. Non-recurring or First Year Start-Up Effects:
      None.
   2. Recurring or Annualized Continuation Effects:
      State universities wishing to expand their sports complexes would be saved the expense of DRI review if the additions met the criteria for exemption in the bill.
   3. Long Run Effects Other Than Normal Growth:
      None.
   4. Appropriations Consequences:
      None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:
   1. Non-recurring or First Year Start-Up Effects:
      None.
   2. Recurring or Annualized Continuation Effects:
      None.
   3. Long Run Effects Other Than Normal Growth:
      None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
   1. Direct Private Sector Costs:
      None.
   2. Direct Private Sector Benefits:
      None.
   3. Effects on Competition, Private Enterprise, and Employment Markets:
      None.

D. FISCAL COMMENTS:
   None.

III. LONG RANGE CONSEQUENCES:
None.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: 

FINANCE & TAXATION:
Prepared by: 

APPROPRIATIONS:
Prepared by: 

Staff Director: 

Staff Director:
A bill to be entitled
An act relating to developments of regional
impact; amending s. 380.06, F.S., exempting
from development-of-regional-impact review
certain additions to an existing sports
facility complex owned by a state university;
providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (24)
of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.--
(24) STATUTORY EXEMPTIONS.--
(d) Any proposed addition to an existing sports
facility complex owned by a state university is exempt if the
addition meets the following characteristics:
1. Its seating capacity is no more than 50 percent of
the capacity of the existing facility;
2. Its seating capacity would be used no more than
eight times per year.

Section 2. This act shall take effect upon becoming a
law.

HOUSE SUMMARY

Provides an exemption from development-of-regional-impact
review for any proposed addition to an existing sports
facility complex owned by a state university if the
seating capacity of the addition is no more than 50
percent of the capacity of the existing facility and
would be used no more than 8 times per year.

This publication was produced at an average cost of 1.2 cents
per single page in compliance with the Rules and for the
information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.
None.

IV. COMMENTS:
None.

V. AMENDMENTS:
None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:  

FINANCE & TAXATION:
Prepared by:  

APPROPRIATIONS:
Prepared by:  

Staff Director:  

STANDARD FORM 3/88
A bill to be entitled
An act relating to environmental land and water management; amending s. 380.06, F.S., exempting certain additions to an existing sports facility complex owned by a state university; amending s. 380.0651, F.S., requiring Administration Commission rule to specify criteria for the aggregation of developments required to undergo such review; amending s. 380.11, F.S., relating to enforcement of the act; providing for fines; providing for award of attorney's fees and costs; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (24) of section 380.06, Florida Statutes, to read:
380.06 Developments of regional impact.--
(24) STATUTORY EXEMPTIONS.--
(d) Any proposed addition to an existing sports facility complex owned by a state university is exempt if the addition meets the following characteristics:
1. Its seating capacity is no more than 50 percent of the capacity of the existing facility.
2. Its seating capacity would be used no more than eight times per year.

Section 2. Subsection (4) of section 380.0651, Florida Statutes, is amended to read:
380.0651 Statewide guidelines and standards.--

CODING: Words struck are deletions; words underlined are additions.
(4) The state land planning agency shall recommend to the Administration Commission specific criteria to be used in determining whether two or more developments shall be aggregated and treated as a single development under this act. The Administration Commission shall adopt appropriate aggregation criteria by rule no-later-than-March-1y-1986. The rule shall specify criteria for aggregation and that, in addition-to-common-ownership-or-majority-interest, shall require that one or more of the following factors must exist: common ownership or majority interest, proximity, sharing of infrastructure, common advertising or management, or master plan or other corroborative documentation which includes each project in a unified plan of development.

Section 3. Paragraph (e) is added to subsection (2) of section 380.11, Florida Statutes, and subsection (3) is added to said section, to read:

380.11 Enforcement; procedures; remedies.—
(2) ADMINISTRATIVE REMEDIES.—
(e) In addition to any administrative action authorized by this part or any other law, the state land planning agency may impose a fine which shall not exceed $10,000 per violation of this part or any agreement that is entered into to effectuate the provisions and purposes of this part. If a notice of violation is filed which requires the respondent to cease development, the respondent may be subject to a fine for each violation, for each day development continues on the project after his receipt of the notice of violation.

(3) ATTORNEY'S FEES; COSTS.—The prevailing party in an administrative, judicial, or appellate proceeding taken pursuant to this section shall be entitled to an award of

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reasonable attorney's fees, court costs, and the cost of investigation.

Section 4. This act shall take effect October 1, 1988.
HOUSE SUMMARY

Exempts from development-of-regional-impact review a proposed addition to an existing sports facility complex owned by a state university, if the addition meets specified seating and use requirements. Requires that a rule of the Administration Commission shall specify criteria, as recommended by the state land planning agency, for the aggregation of developments required to undergo such review. Authorizes the state land planning agency to impose a fine, not to exceed $10,000 per violation, for violation of the Florida Environmental Land and Water Management Act of 1972. Provides for award of attorney's fees and court and investigative costs to the prevailing party in an enforcement proceeding under said act.

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Representative Martin offered the following amendment:

Amendment

On page...1..., lines...22-28...

strike all of said lines

and insert:

(d) Any proposed addition or cumulative additions subsequent to the effective date of this act to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 50 percent of the capacity of the existing facility.
I. SUMMARY:

A. PRESENT SITUATION:

Section 380.06(1) defines a development of regional impact (DRI) as "any development which, because of its character, magnitude, or location, would have a substantial impact upon the health, safety, or welfare of the citizens of more than one county." Section 380.06, F.S. establishes detailed procedures for review of DRIs by local governments, regional planning councils and the Department of Community Affairs. The Department of Community Affairs (DCA) is responsible for the administration of the program at the state level.

Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code, establish thresholds for various types of developments. If a development exceeds the size established by one of these thresholds, it must undergo DRI review. Therefore, the Department must determine the size of a development project in order to determine whether the development must be reviewed under the DRI process.

The DRI process is time consuming and often results in contributions from developers as part of the process, such as a dedication of land for use as a park. Consequently, a developer may represent two or more projects as being separate developments, each too small to be a DRI, when the projects are in fact a single development which exceeds a DRI threshold and therefore, should undergo DRI review.

To remedy this situation, the Legislature required the Administration Commission (the Governor and Cabinet) to adopt a rule specifying "criteria to be used in determining whether two or more developments shall be aggregated and treated as a single development under this act." Section 380.0651, Florida Statutes, states that:
The rule shall specify criteria that, in addition to common ownership or majority interest, shall require that one or more of the following factors must exist: proximity, sharing of infrastructure, common advertising or management, or master plan or other corroborative documentation which includes each project in a unified plan of development.

In August 1986, the Administration Commission adopted a rule based on this statute. The Department of Community Affairs now believes the rule is inadequate to prevent developers from dividing the ownership of developments so as to avoid aggregation under the common ownership or majority interest standard. However, the statutes require that common ownership or majority interest be an element of the rules on aggregation and therefore, the Administration Commission cannot adopt a rule which prevents the abuses mentioned previously.

Presently, the Department of Community Affairs is authorized to seek injunctions in courts and in administrative proceedings, but it is not authorized to impose fines.

Subsection 380.06(24), Florida Statutes, contains an exemption from DRI review for certain proposed additions to certain sports complexes owned by public bodies prior to July 1, 1983.

B. EFFECT OF PROPOSED CHANGES:

The bill exempts any proposed addition to an existing sports facility complex owned by a state university if the addition's seating capacity is no more than 50 percent of the capacity of the existing facility and the added seating capacity is used no more than eight times per year. This exemption could only be utilized for state university stadium expansions.

This bill amends the current law relating to aggregation to authorize the Administration Commission to adopt a rule which specifies that one or more of the factors that currently exist in the statutes must exist in order for the Department of Community Affairs to aggregate two separate projects and subject the projects to DRI review, rather than common ownership or majority interest and another factor.

The bill authorizes the Department to impose administrative fines not exceeding $10,000 per violation of Part I of Chapter 380 or any agreement entered into to effectuate the provisions and purposes of Part I. Part I of Chapter 380 contains the development of regional impact statutes and the statutes relating to areas of critical state concern. The bill states that if a notice of violation is filed that requires a respondent to cease development, the respondent may be subject to a fine for each day that the violation continues. The bill entitles the prevailing party in any action taken pursuant to Section 380.11, Florida Statutes, to attorneys fees, court costs, and the cost of investigation.
C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Creates a DRI review exemption for additions to existing sports facility complexes owned by state university systems in certain circumstances.

Section 2 -- Changes the criteria for adoption of a DRI aggregation rule by the Administration Commission.

Section 3 -- Authorizes the Department to impose fines of not more than $10,000 for violations of Part I of Chapter 380 and entitles prevailing parties in actions taken pursuant to Section 380.11 to attorneys fees, court costs, and the cost of investigation.

Section 4 -- Provides an effective date of October 1, 1988.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   More developments will be subject to DRI review as the result of the strengthening of the aggregation rule called for by this bill, causing the workload of DCA and regional planning councils to increase. It is impossible to determine the exact magnitude of the increase. State universities wishing to expand their sports complexes would be saved the expense of DRI review if the additions met the criteria for exemption in the bill.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   More developments will be subject to DRI review as the result of the strengthening of the aggregation rule called for by this bill, causing the workload of local government planning
agencies to increase. It is impossible to determine the exact magnitude of the increase.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

More developments will be subject to DRI review as the result of the strengthening of the aggregation rule called for by this bill, causing the some land developers the additional expense of undergoing DRI review. It is impossible to determine the exact magnitude of the expense.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Because it will be more difficult to avoid DRI reviews, there should be less inequity in development costs between developers.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

Dana Minerva

FINANCE & TAXATION:
Prepared by:

Staff Director:

Barry Kling
I. SUMMARY:

A. PRESENT SITUATION:

Section 380.06(1) defines a development of regional impact (DRI) as "any development which, because of its character, magnitude, or location, would have a substantial impact upon the health, safety, or welfare of the citizens of more than one county." Section 380.06, F.S. establishes detailed procedures for review of DRIs by local governments, regional planning councils and the Department of Community Affairs. The Department of Community Affairs (DCA) is responsible for the administration of the program at the state level.

Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code, establish thresholds for various types of developments. If a development exceeds the size established by one of these thresholds, it must undergo DRI review. Therefore, the Department must determine the size of a development project in order to determine whether the development must be reviewed under the DRI process.

The DRI process is time consuming and often results in contributions from developers as part of the process, such as a dedication of land for use as a park. Consequently, a developer may represent two or more projects as being separate developments, each too small to be a DRI, when the projects are in fact a single development which exceeds a DRI threshold and therefore, should undergo DRI review.

To remedy this situation, the Legislature required the Administration Commission (the Governor and Cabinet) to adopt a rule specifying "criteria to be used in determining whether two or more developments shall be aggregated and treated as a single development under this act." Section 380.0651, Florida Statutes, states that:
The rule shall specify criteria that, in addition to common ownership or majority interest, shall require that one or more of the following factors must exist: proximity, sharing of infrastructure, common advertising or management, or master plan or other corroborative documentation which includes each project in a unified plan of development.

In August 1986, the Administration Commission adopted a rule based on this statute. The Department of Community Affairs now believes the rule is inadequate to prevent developers from dividing the ownership of developments so as to avoid aggregation under the common ownership or majority interest standard. However, the statutes require that common ownership or majority interest be an element of the rules on aggregation and therefore, the Administration Commission cannot adopt a rule which prevents the abuses mentioned previously.

Presently, the Department of Community Affairs is authorized to seek injunctions in courts and in administrative proceedings, but it is not authorized to impose fines.

Subsection 380.06(24), Florida Statutes, contains an exemption from DRI review for certain proposed additions to certain sports complexes owned by public bodies prior to July 1, 1983.

B. EFFECT OF PROPOSED CHANGES:

The bill exempts any proposed addition to an existing sports facility complex owned by a state university if the addition's seating capacity is no more than 50 percent of the capacity of the existing facility and the added seating capacity is used no more than eight times per year. This exemption could only be utilized for state university stadium expansions.

This bill amends the current law relating to aggregation to authorize the Administration Commission to adopt a rule which specifies that one or more of the factors that currently exist in the statutes must exist in order for the Department of Community Affairs to aggregate two separate projects and subject the projects to DRI review, rather than common ownership or majority interest and another factor.

The bill authorizes the Department to impose administrative fines not exceeding $10,000 per violation of Part I of Chapter 380 or any agreement entered into to effectuate the provisions and purposes of Part I. Part I of Chapter 380 contains the development of regional impact statutes and the statutes relating to areas of critical state concern. The bill states that if a notice of violation is filed that requires a respondent to cease development, the respondent may be subject to a fine for each day that the violation continues. The bill entitles the prevailing party in any action taken pursuant to Section 380.11, Florida Statutes, to attorneys fees, court costs, and the cost of investigation.
C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Creates a DRI review exemption for additions to existing sports facility complexes owned by state university systems in certain circumstances.

Section 2 -- Changes the criteria for adoption of a DRI aggregation rule by the Administration Commission.

Section 3 -- Authorizes the Department to impose fines of not more than $10,000 for violations of Part I of Chapter 380 and entitles prevailing parties in actions taken pursuant to Section 380.11 to attorneys fees, court costs, and the cost of investigation.

Section 4 -- Provides an effective date of October 1, 1988.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:

   More developments will be subject to DRI review as the result of the strengthening of the aggregation rule called for by this bill, causing the workload of DCA and regional planning councils to increase. It is impossible to determine the exact magnitude of the increase. State universities wishing to expand their sports complexes would be saved the expense of DRI review if the additions met the criteria for exemption in the bill.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:

   More developments will be subject to DRI review as the result of the strengthening of the aggregation rule called for by this bill, causing the workload of local government planning
agencies to increase. It is impossible to determine the exact magnitude of the increase.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

More developments will be subject to DRI review as the result of the strengthening of the aggregation rule called for by this bill, causing the some land developers the additional expense of undergoing DRI review. It is impossible to determine the exact magnitude of the expense.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Because it will be more difficult to avoid DRI reviews, there should be less inequity in development costs between developers.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

None.

V. END OF SESSION UPDATE:

PCB NR 88-9 died in the Committee on Natural Resources, but similar legislation passed as a part of SB 315.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by: Dana Minerva

FINANCE & TAXATION:

Prepared by: Staff Director:
TO: Chairman, Committee on Natural Resources

Subcommittee 2
Date of Meeting: May 3, 1988
Time: 3:30 pm
Place: 16 HOB

BILL NO. PCB NR 88-9

FINAL ACTION:
- Favorable
- X Favorable with 1 Amendments
- Favorable with Proposed Substitute
- Unfavorable

VOTE:

<table>
<thead>
<tr>
<th>YEA</th>
<th>MEMBER</th>
<th>NAY</th>
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<tr>
<td>X</td>
<td>Bass, Virginia</td>
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<tr>
<td>X</td>
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<tr>
<td>X</td>
<td>Figg, Mary</td>
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<tr>
<td>X</td>
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<tr>
<td>X</td>
<td>Webster, Daniel</td>
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<tr>
<td>X</td>
<td>Wallace, Peter</td>
<td>chairman</td>
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</tbody>
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Total
Yeas: 6
Nays: 0

Subcommittee Chairman: Wallace

APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during the consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ken Van Assenderp</td>
<td>Coral Ridge Properties</td>
<td>Tallahassee, Florida</td>
</tr>
<tr>
<td>Tasha O. Buford</td>
<td>Coral Ridge Properties</td>
<td>Tallahassee, Florida</td>
</tr>
</tbody>
</table>

Note: Please indicate by an "X" any State employee appearing at the request of the Chairman.

Received by Parent Committee: ____________________________
Date: ____________________________
Received by: ____________________________

H-74(1988) (ATTACH TO FULL COMMITTEE REPORT WHEN FILED WITH THE CLERK)