

## **HB 7207: An Analysis of the Changes to Florida's Growth Management Laws**

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The 2011 Florida Legislature passed the Community Planning Act (the "Act") in 2011, which makes major changes to the state's growth management laws, although not as major as has been advertised by Florida media outlets. The highlights of the bill can be found here: [It's Not Your Father's Growth Management Law](#), an article co-authored by my father and me. What follows is a more in depth look at the changes to the growth management laws and, specifically, to chapters 163 and 380 of the Florida Statutes. As hard as it may be to believe, the discussion below is not comprehensive and is not intended to constitute a legal opinion. If you have any questions about this bill and its implications for you, we would be happy to help you.

Two matters before we get to the meat of this article: First, you should note that the Department of Community Affairs (the "DCA"), which has been the department long charged with administering the state's growth management laws, is being folded into a new department called the Department of Economic Opportunity, and you will note that their role has unquestionably been diminished by the Act. Below, the DCA is referred to as the DCA in the "Old" column and as the SLPA (State Land Planning Agency) in the "New" column, in recognition of their changed form.

Second, speaking of acronyms, it is probably helpful to include an acronym glossary:

- BEBR University of Florida's Bureau of Economic and Business Research
- CIE Capital Improvements Element
- DA Development Agreement
- DCA Department of Community Affairs (Old Agency)
- DEP Department of Environmental Protection
- DO DRI Development Order
- DOAH Division of Administrative Hearings
- DRI Development of Regional Impact
- DULA Dense Urban Land Area
- EAR Evaluation and Appraisal Review
- FAC Florida Administrative Code
- FDOT Florida Department of Transportation
- FLUPE Future Land Use Plan Element
- LOS Level of Service
- MPO Metropolitan Planning Organization (§ 339.175)
- SIS Strategic Intermodal System
- SLPA State Land Planning Agency (New Agency)
- WMD Water Management District

And now, on to the discussion of the Act:

Issue	Old	New	Affected Statutes/ Rules
Amendment Frequency Limit	Twice-a-year limit on amending Comp Plans	Removes the cap, allowing Plan Amendments to be filed at any time.	§70.51 §163.2517 §163.3162
Name of Law	“Local Government Comprehensive Planning and Land Development Regulation Act”	“Community Planning Act”.	§163.3161
Intent of Act		<p>“To focus the State role in managing growth under this Act to protecting the functions of important state resources and Facilities.”</p> <p>To recognize and protect agriculture, tourism and military presence and to encourage economic diversification, workforce development and community planning.</p>	§163.3161
Sprawl	Intent of the Act to prevent overcrowding (among other things)	<p>Overcrowding reference removed.</p> <p>Added intent to manage growth to protect State resources and facilities.</p>	§163.3161
FAC Rule 9J-5	Existed	Eliminated	§163.3162 §163.3177 §163.3178 §163.3180 §163.3184
“Adaptation Action Area”		Definition added: Designation given to coastal areas that experience coastal flooding.	§163.3164
“Antiquated Subdivision”		Definition added: 20+ year old subdivision that has not been built and would be detrimental if built today.	§163.3164
“Capital Improvement”		Definition added: Physical asset, the cost of which is typically non-recurring.	§163.3164
“Coastal Area”	Coastal counties and municipalities designated coastal by the DCA	Coastal counties and municipalities.	§163.3164
“Compatibility”		Definition added: Condition where land uses co-exist in a stable fashion.	§163.3164

Issue	Old	New	Affected Statutes/ Rules
“Deepwater Ports”		Definition added: Ports identified in §403.021(9).	§163.3164
“Density”		Definition added: Objective measurement of people or units allowed per acre.	§163.3164
“Flood Prone Areas”		Definition added: Area inundated by 100-year flood or A Zones.	§163.3164
“Goal”		Definition added: End toward which programs are directed.	§163.3164
“Intensity”		Definition added: Objective measurement of use of space, natural resources and facilities and services.	§163.3164
“Internal Trip Capture:		Definition added: Mixed-use project trips from one land use to another.	§163.3164
“Level of Service”		Definition added: Indication of degree of service provided by a facility.	§163.3164
“New Town”		Definition added: Development big enough to provide full range of urban characteristics.	§163.3164
“Objective”		Definition added: Measurable end marking progress toward a goal.	§163.3164
“Policy”		Definition added: The way in which programs are conducted to achieve a goal.	§163.3164
“Public Facilities”	Health systems and spoil disposal sites included in definition.	“ <u>Not</u> included.”	§163.3164
“Regional Planning Agency”	Agency designated by DCA	Council created by Chapter 186.	§163.3164
“Seasonal Population”		Definition added: Part-time inhabitants.	§163.3164

Issue	Old	New	Affected Statutes/ Rules
“Sector Plan”	Formerly Optional Sector Plan.”  Local Government(s) work with DCA to further development strategies in §163.3177(11)(a) and (b) for portions of DRIs located in geographic areas identified in the local Comp Plan.	The process authorized by §163.3245 in which local governments engage in long-term planning by adopting specific area plans. Optional Sector Plans adopted prior to the Act are included.	§163.3164 §163.3245 §163.3177
“Suitability”		Definition added: Degree to which existing land and water is compatible with proposed development.	§163.3164
“Transit-oriented Development”		Definition added: Compact, high density project served by transit service.	§163.3164
“Urban Service Area”	1. Built-up areas with public facilities in place.  2. For counties that are “dense urban land areas”, the nonrural areas where rural area designations have been adopted.  3. Areas identified in Comp Plans.	Areas with public facilities in place, identified in the Comp Plan.	§163.3164
“Urban Sprawl”		Definition added: Low density development requiring inefficient extension of public facilities.	§163.3164
“Financial Feasibility”	Sufficient revenues available for financing proposed capital improvements.	Definition removed.	§163.3164
“Dense Urban Land Area”	Areas of specified density. List to be published annually by the State.	Definition removed.	§163.3164
Citizen Referendum	Initiative or referendum prohibited for amendments affecting 5 parcels or less.	Initiative or referendum prohibited for all amendments, regardless of size.	
Comp Plan Oversight	Counties and municipalities to submit Comp Plans to the State.  Regional Planning Agency to create Comp Plans for non-compliers. Plans encouraged to articulate vision and utilize collaboration.	Counties and municipalities must maintain a Comp Plan.  Regional Planning Agency Plan creation removed.  Encouragement language moved to §163.3168. Now encourages innovative strategies and emphasizes the role of the SLPA as a resource.	§163.3164 §163.3168
Comp Plan	DCA and local governments may enter	Local governments may enter into	§163.3171

Issue	Old	New	Affected Statutes/ Rules
Agreements	into agreements to assist with Comp Plans.	agreements with each other and SLPA cannot interfere with such agreements.	
Local Planning Agency	Local governments must establish local planning agencies and notify the DCA.	Local governments no longer need to notify the State.	§163.3174
Compatibility of Developments with Military Installations		<p>Specifies that commanding officer's comments are not binding on local government, and that private property rights must be considered.</p> <p>Comp Plans that addressed military installations after 2004 deemed in compliance until next EAR.</p>	§163.3175
Elements of Comp Plan	<p>Comp Plan shall consist of materials that prescribe the principles, guidelines and standards for orderly and balanced growth.</p> <p>Comp Plan must be financially feasible.</p>	<p>Adds/relocates language requiring consistency and implementation, as well as meaningful standards. Requires that data relied upon be relevant and from professionally accepted sources. Requires Plan to be based on at least BEBR's 10-year land requirement.</p> <p>Financial feasibility requirement removed.</p>	§163.3177

Issue	Old	New	Affected Statutes/ Rules
	<p><b><u>CAPITAL IMPROVEMENTS ELEMENT</u></b> (“CIE”)</p> <p>Must contain standards for management of debt.</p> <p>Developer-funded improvements must demonstrate financial feasibility</p> <p>Local governments must review their CIE annually, submit it to the DCA, and it must be financially feasible. The 5-year capital improvement schedule may be changed by ordinance, which must be transmitted to DCA and adopted into the Comp Plan. Sanctions imposed for non-compliance.</p> <p>Coordinating local Comp Plan with State’s Comp Plan a “major objective”.</p> <p>Two planning periods required: 5-year and 10-year.</p>	<p><b><u>CAPITAL IMPROVEMENTS ELEMENT</u></b> (“CIE”)</p> <p>Debt management standards removed.</p> <p>Schedule of necessary capital improvements must simply show status as “funded” or “unfunded” and give a priority level for funding.</p> <p>Local governments still must review, but do not have to submit to the DCA or meet financial feasibility. Sanctions removed.</p> <p>Coordinating with State Comp Plan no longer a “major objective”.</p> <p>5- and 10-year planning periods still required, but additional planning periods are “permissible and accepted.”</p>	§163.3177
	<p><b><u>FUTURE LAND USE PLAN ELEMENT</u></b> (“FLUPE”)</p>	<p><b><u>FUTURE LAND USE PLAN ELEMENT</u></b> (“FLUPE”)</p>	§163.3177
		<p>Adds requirement that acreage and density for each land use category be included.</p> <p>The data relied upon may include “the need to modify land uses and development patterns within antiquated subdivisions.”</p>	

Issue	Old	New	Affected Statutes/ Rules
		<p>Adds requirements to include criteria to:</p> <ul style="list-style-type: none"> <li>Encourage preservation of working waterfronts.</li> <li>Encourage locating schools near urban residential areas.</li> <li>Coordinate land use with topography and soil conditions.</li> <li>Ensure protection of natural and historic resources.</li> <li>Provide for compatibility of land uses.</li> <li>Provide guidelines for implementation of mixed use development.</li> <li>Adds that the FLUPE should allow the market enough flexibility to operate.</li> </ul>	
	<p>DCA has been challenging Plans and amendments based on their percentage of whether the local government had a “need” for the proposed land use category.</p>	<p>Adds that the FLUPE must accommodate at least the medium BEBR projections for <u>at least</u> a 10-year planning period.</p>	
	<p>Punishment for failure to comply with school siting requirements: prohibition of ability to amend Comp Plan.</p>	<p>Punishment removed.</p>	

Issue	Old	New	Affected Statutes/ Rules
		<p>Adds factors by which land use map amendments shall be analyzed. To wit:</p> <p>Availability of facilities and services.</p> <p>Suitability considering natural and historic factors.</p> <p>Analysis of minimum amount of land needed.</p> <p>Discouraging urban sprawl. Includes 13 indicators of urban sprawl. Also includes list of 8 factors, satisfying 4 of which automatically designates the development as discouraging urban sprawl.</p> <p>Adds map layer requirements.</p>	
	<b><u>TRANSPORTATION ELEMENT (“TE”)</u></b>	<b><u>TRANSPORTATION ELEMENT (“TE”)</u></b>	§163.3177
		Adds that the purpose of the TE is to “plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible.”	
		Adds requirement for a transportation map showing needs, levels of services and growth trends.	
	Requires TE to include a map of aquifer recharge areas.	Removes aquifer recharge area map requirement.	
	<b><u>CONSERVATION ELEMENT</u></b>	<b><u>CONSERVATION ELEMENT</u></b>	§163.3177
		Adds requirement to identify listed natural resources as well as existing and potential recreational and conservation uses.	
	<b><u>HOUSING ELEMENT</u></b>	<b><u>HOUSING ELEMENT</u></b>	§163.3177
	Guidelines include provisions for energy efficiency and renewable energy resources.	Energy guidelines requirement removed.	
	Requires affordable housing needs assessment to be done by DCA.	Expands affordable housing requirement and requires partnering with private and non-profit entities. Removes needs assessment.	

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	<b><u>COASTAL MANAGEMENT ELEMENT</u></b>	<b><u>COASTAL MANAGEMENT ELEMENT</u></b>	§163.3177
		Adds option for local governments to develop an “adaptation action area” designation for low-lying areas.	
	Encourages recreational surface water policies.	Removes surface water policy encouragement.	
	<b><u>INTERGOVERNMENTAL COORDINATION ELEMENT</u></b>	<b><u>INTERGOVERNMENTAL COORDINATION ELEMENT</u></b>	§163.3177
	Requirement to submit report to DCA regarding interlocal agreements.	DCA report requirement removed.	
	List of optional elements.	List of optional elements removed.	
	DCA obligated to review Comp Plans.	Obligation reduced.	
		Regulations regarding rural land stewardship areas in §163.3177 removed.	
	Public School Facilities Element required to implement school concurrency.	Public school facilities element requirement as well as school concurrency (see below) removed.	
	Community visioning process required.	Visioning requirement removed.	
	Local governments encouraged to adopt an urban service boundary.	Encouragement language removed.	
<b>Public Schools Interlocal Agreement</b>	Local governments and their respective school boards must enter into an interlocal agreement, which shall be submitted to DCA and the Office of Education Facilities (“OEF”), according to a schedule and subject to regulations adopted by DCA. DCA and OEF will issue comments and DCA has the ability to challenge agreements it finds inconsistent.	Local governments must enter into an interlocal agreement with their respective school board, but no submission or review process is required.	§163.3177

Issue	Old	New	Affected Statutes/ Rules
Coastal Management	<p>Rule 9J-5 imposed hurricane evacuation requirements on proposed Comp Plan amendments and §163.3178 provided a way to assure compliance with the 9J-5 Rule by:</p> <ol style="list-style-type: none"> <li>1. Maintaining adopted LOS for category 5 evacuation.</li> <li>2. 12-hour evacuation time for category 5 and reasonable amount of shelter space.</li> <li>3. Mitigation to satisfy #'s 1 and 2.</li> </ol>	<p>Rule 9J-5 repealed and <u>any</u> of the 3 possibilities in §163.3178 will satisfy coastal high hazard provisions.</p>	§163.3178
Concurrency	<p>Sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation are subject to a statewide concurrency requirement.</p>	<p>Sanitary sewer, solid waste, drainage and potable water are subject to a statewide concurrency requirement (parks and recreation, schools, and transportation removed).</p> <p>Adds that local government may continue to enforce optional requirements, and that, in order to rescind those requirements, a Comp Plan amendment is required.</p>	§163.3180
	<b><u>TRANSPORTATION CONCURRENCY</u></b>	<b><u>TRANSPORTATION CONCURRENCY</u></b>	§163.3180
	Transportation concurrency required.	Transportation concurrency not required.	
	Mitigation required for SIS impacts.	No mitigation required for SIS impacts, but consultation with DOT is required.	
		Adds language encouraging policies for those governments who continue to apply transportation concurrency to address potential negative impacts on future development. Policies on things like urban infill, encouragement of multimodal systems, de minimis impacts, etc.	

Issue	Old	New	Affected Statutes/ Rules
		<p>Changes the DRI proportionate share payment rule, so that if a local government is continuing to apply transportation concurrency, an applicant can meet its requirements by entering into an agreement to pay enough money to accomplish a “mobility improvement.”</p> <p>Existing deficiencies still do not count toward the prop share amount and credit <u>shall</u> be given for any impact or mobility fee required to be paid, which credit shall be reduced by up to 20%, depending on the proposed project’s use of the added capacity created by the “mobility improvement.”</p>	
		<p>Many questions remain unanswered re: transportation concurrency. DCA attempted to answer some of them here:  <a href="http://bsbfirm.com/images/News/transportation_questions_related_to_chapter_2011-139.pdf">http://bsbfirm.com/images/News/transportation_questions_related_to_chapter_2011-139.pdf</a></p>	
	<b><u>SCHOOL CONCURRENCY</u></b>	<b><u>SCHOOL CONCURRENCY</u></b>	§163.3180
	School concurrency required.	School concurrency not required.	
		Adds language allowing development to proceed under a proportionate share arrangement.	
	DCA reviews and approves public school facilities element.	Public school facilities element review and approval removed.	
<b>Transportation Deficiencies</b>		Renames “Transportation Concurrency Backlogs” to “Transportation Deficiency Areas.”	§163.3182
		Also renames “Transportation Concurrency Backlog Authorities” to “Transportation Development Authorities.”	

Issue	Old	New	Affected Statutes/ Rules
Comp Plan Amendment Process		<p>Replaces existing Comp Plan Amendment process with an expedited process:</p> <p>Transmittal hearing.</p> <p>30-day comment period for review agencies to comment, but only regarding any adverse effects the amendment will have on “important state resources and facilities.”</p> <p>Local government adoption hearing.</p> <p>Amendments are effective 31 days after SLPA receives the adopted amendment, unless challenged.</p> <p>If challenged, Amendments are effective upon entry of a final order.</p> <p>Small Scale Amendments use procedure at §163.3187 (see below).</p>	§163.3184
		<p>Five classes of Amendments must use the “State Coordinated Review Process,” which is essentially the old way of amending a Comp Plan. Those five are Amendments:</p> <p style="padding-left: 40px;">In an Area of Critical State Concern.</p> <p style="padding-left: 40px;">To propose a rural land stewardship area.</p> <p style="padding-left: 40px;">To propose a sector plan.</p> <p style="padding-left: 40px;">To update a Comp Plan based on an EAR.</p> <p style="padding-left: 40px;">To establish Comp Plans for new municipalities adopted pursuant to §163.3167.</p>	

Issue	Old	New	Affected Statutes/ Rules
		<p>In an Area of Critical State Concern.</p> <p>To propose a rural land stewardship area.</p> <p>To propose a sector plan.</p> <p>To update a Comp Plan based on an EAR.</p> <p>To establish Comp Plans for new municipalities adopted pursuant to §163.3167.</p>	
	DCA coordinates comments, so that commenting agencies send comments to DCA and DCA sends all comments to local government in one report.	Commenting agencies send comments directly to the local government.	
		If no second hearing (the adoption hearing) occurs on a Plan Amendment within 180 days after receipt of agency comments, the Plan Amendment is deemed to be withdrawn (this does not apply to amendments connected to a DRI).	
		“Affected persons” may challenge an amendment by filing a petition within 30 days after adoption.	
		SLPA may challenge an amendment by filing a petition within 30 days after adoption, and must forward a notice of intent to DOAH within 45 days.	
		SLPA may not introduce new issues more than 21 days after filing the notice of intent and their objections must be specific.	
	“Affected person” challenge subject to the presumption that the Amendment is in compliance.	“Affected person” challenge subject to “fairly debatable” standard, which is more deferential to the local government.	
	Concurrent zoning petition rules unclear.	Local government <u>shall</u> consider rezoning applications concurrently with Plan Amendments. The zoning changes are contingent upon Plan Amendment approval.	
<b>Small-Scale Comp Plan Amendment Process</b>	Small-scale Amendments only allowed under a limited set of circumstances. 10 acres or less per amendment, up to 80 acres per year (120 acres if the local government has a designated urban infill area). No text amendments.	10 acres or less, but everyone gets up to 120 acres a year. Directly related text changes allowed.	§163.3187
	“Presumed to be correct” standard.	“Fairly debatable” standard.	

Issue	Old	New	Affected Statutes/ Rules
	DCA may intervene in administrative challenges.	SLPA may not intervene in administrative challenges.	
<b>EAR Process</b>	Local government must evaluate its Comp Plan every 7 years.	Local government still must evaluate its Comp Plan every 7 years.	
	Local government must submit report to DCA, and DCA will then prepare a “sufficiency determination.”	Local government must notify SLPA whether or not Plan Amendments are necessary and prepare and transmit any necessary amendments within one year.	§163.3191
<b>Development Agreement</b>	Maximum duration of a Development Agreement (DA) = 20 years.	Maximum = 30 years.	§163.3229
	Annual review of each DA required, and the reviews conducted from years 6-10 shall be incorporated into a report, which shall be submitted to DCA.	Annual review of each DA required, but reporting requirement removed.	§163.3235
	Each DA shall be submitted to DCA within 14 days of recording.	No submittal to SLPA required. DA’s now appear to be effective upon recording.	§163.3239
	DCA (along with others) can file for injunctive relief to enforce DA.	DCA no longer able to enforce DA’s.	§163.3243
<b>Sector Plans</b>	Known as “Optional Section Plans.”	Now called “Sector Plans.”	§163.3245
		No longer a “demonstration project.”	
	For areas of at least 5,000 acres.	For areas of at least 15,000 acres.	
	First step: Adopt “buildout overlay” to the Comp Plan.	First step: Adopt a long-term master plan for the entire planning area.	
	Second step: Adopt specific area plans implementing buildout overlay and authorize issuance of development orders.	Second step: Adopt, <u>by</u> local development order, two or more specific area plans.	
		Adds master plan requirements.	
		Transportation and water plans to be coordinated with development contemplated by Sector Plan.	
		Establishes that Sector Plans will have buildout dates, prior to which, no downzoninig or density or intensity reduction shall occur.	
<b>Century Commission</b>		Commission to be abolished 6/30/13.	§163.3247
<b>Rural Land Stewardship Areas</b>		New statute created to house Rural Land Stewardship regulations.  10,000 acres or more, and “sending” and “receiving” zones established, rewarding conservation of land with “stewardship credits”, which can be used to increase the density or intensity within “receiving areas.”	§163.3248

Issue	Old	New	Affected Statutes/ Rules
DRI's	Essentially built-out = all mitigation satisfied, in compliance with Development Order and the amount left to build is less than 20% of any applicable DRI threshold.	Essentially built-out = all mitigation satisfied, in compliance with DO and the amount left to build is less than 40% of any applicable DRI threshold.	§380.06
	<b><u>SUBSTANTIAL DEVIATIONS</u></b>	<b><u>SUBSTANTIAL DEVIATIONS</u></b>	§380.06
	Automatic substantial deviations:  Attraction or recreational facility.  Parking spaces increased by greater of 10% or 330 spaces.  Number of spectators increased by greater of 10% or 1,100 spectators.	Automatic substantial deviations:  Attraction or recreational facility.  Parking spaces increased by greater of 15% or 500 spaces.  Number of spectators increased by greater of 15% or 1,500 spectators.	
	Industrial  Area increased by greater of 10% or 35 acres.	Industrial  Automatic deviation removed.	
	Mines  Mining acreage increased by greater of 10% or 11 acres, or  Average daily water consumption increased by greater of 1% or 330,000 gallons, or  Net mine size increase by lesser of 10% or 825 acres.	Mines  Automatic deviation removed.	
	Office  Land area increased by 10% , or  Gross floor area increased by greater of 10% or 66,000 gross sq. ft.	Office  Land area increased by 15% , or  Gross floor area increased by greater of 15% or 100,000 gross sq. ft.	
	Commercial  Gross floor area increased by greater of 10% or 55,000 sq. ft.  Parking spaces increased by greater of 10% or 330 spaces.	Commercial  Gross floor area increased by greater of 10% or 60,000 gross sq. ft.  Parking spaces increased by greater of 10% or 425 spaces.	

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	Hotel  Number of rooms increased by greater of 10% or 83 rooms.	Hotel  Automatic deviation removed.	
		<b><u>EXTENSION</u></b>	§380.06
		Grants 4-year extension for all commencement, phase, buildout and expiration dates, regardless of prior extensions.	
		Mitigation deadlines also extended unless local government notifies the developer prior to December 1, 2011 that the government has entered into a construction contract for a facility which is to be funded by developer's mitigation payment.	
		Developer must notify the local government in writing by 12/31/11 to receive the 4-year extension.	
		If local government agrees to a change, then the resulting change in the proportionate share calculation and mitigation plan shall be presumed <u>not</u> to create a substantial deviation.	
		Adds exemption from DRI review for solid mineral mines (mines must still enter into a binding agreement with FDOT).	
		<b><u>EXEMPTIONS FOR DULA'S</u></b>	§380.06
		Proposed developments in the following areas are exempt from DRI review:	
		A municipality with an average of 1,000 people per square mile and a minimum population of 5,000.	
		The urban service area of a County with an average of 1,000 people per square mile.	
		A County without an urban service area, but with a population of at least 900,000 and an average of 1,000 people per square mile.	
		The urban service area of a County with a population of 1 million or more.	
		SLPA will publish list of DULA's annually.	
<b>DRI Thresholds</b>	<b><u>THRESHOLDS FOR DRI REVIEW</u></b>	<b><u>THRESHOLDS FOR DRI REVIEW</u></b>	§380.0651

Issue	Old	New	Affected Statutes/ Rules
	<p>Movie Theater with 8 or more screens.</p> <p>Parking for more than 1,500 cars.</p> <p>More than 6,000 seats.</p>	<p>Movie theater threshold eliminated (subject to less favorable “serial performance facilities” thresholds of 1,000 parking spaces and 4,000 seats).</p>	
	<p>Industrial Plant, industrial park, distribution warehousing and wholesaling facilities.</p> <p>Parking for more than 2,500 cars.</p> <p>Larger than 320 acres.</p>	<p>Industrial thresholds removed.</p>	
	<p>Hotel</p> <p>350 or more units.</p> <p>In a County with a population greater than 500,000, 750 or more units.</p>	<p>Hotel thresholds removed.</p>	
	<p>Aggregation:</p> <p>2 of the 5 listed criteria = unified plan of development for purposes of aggregation.</p>	<p>Aggregation:</p> <p>3 of the 4 listed criteria = unified plan of development (sharing of infrastructure removed as a criterium).</p>	
<p>Permit Extensions</p>		<p>Any permit that was extended <u>only</u> by the 2-year permit extension granted in 2009 and reauthorized in 2010 is extended an additional two years, which extension can be claimed by notifying the appropriate local government in writing by 12/31/11.</p>	
		<p>Any permit that was extended by both the 2-year permit extension granted in 2009 and reauthorized in 2010 <u>and</u> the additional 2-year extension granted in 2010 cannot be extended.</p>	
<p>Permit Extensions (Building, DEP and WMD)</p>		<p>Building permits, DEP permits and WMD permits with an expiration date between 1/1/12 and 1/11/14 are extended for 2 years, except that, when taken together, this extension, the 2009 extension and the 2010 extension shall not exceed 4 years into total. Also DRI DO extensions granted pursuant to §380.06(10)(c)(2) cannot be further extended.</p>	

Issue	Old	New	Affected Statutes/ Rules
		Any mitigation deadlines for phased construction projects are also extended “so that mitigation takes place in the same timeframe relative to the phase as originally permitted.”	
Pending Administrative and Judicial Proceedings		SLPA shall review all pending proceedings within 60 days after the effective date of the Act, and shall dismiss all matters that are rendered moot by the Act and amend the petition within 30 days for matters where one or more issues have been raised that are consistent with the Act so as to “plead with particularity” how the Plan or Amendment fails to comply with the Act.	
Prop Share Report		FDOT must submit a report by 12/15/11 to the Speaker of the House and President of the Senate on “recommended changes to or alternatives to the calculation of proportionate share calculations.” The goal of said report is to ensure that the contributions are fair and predictable.	