#### CHAMBER ACTION

Senate House

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Representative Workman offered the following:

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## Amendment (with title amendment)

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Remove line 1789 and insert:  $380.0651(3)(h)\frac{(j)}{(j)}$ , housing for low-income, very low-income, and

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Remove lines 7528-7533 and insert:

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Section 52. Paragraph (d) of subsection (2), paragraph (b) of subsection (6), paragraphs (c) and (e) of subsection (19),

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subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section

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380.06, Florida Statutes, are amended, and subsection (30) is

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380.06 Developments of regional impact.

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(2) STATEWIDE GUIDELINES AND STANDARDS.-

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added to that section, to read:

- (d) The guidelines and standards shall be applied as follows:
  - 1. Fixed thresholds.-
  - a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.
  - b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.
  - c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and (f), are not required to undergo development-of-regional-impact review.
  - 2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

Between lines 7633 and 7634, insert:

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any 337701

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previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

- 2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:
- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
  - c. Changes to minimum lot sizes.
- d. Changes in the configuration of internal roads that do not affect external access points.
- e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

- f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.
- g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.
- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.
- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.
- j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this subsubparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.
- k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

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This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph q., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

- 3. Except for the change authorized by sub-subparagraph 2.f., 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. 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 337701

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- a substantial deviation requiring further development-ofregional-impact review.
  - 5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.
  - a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.
  - b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), and (e), and (f) and residential use.

Remove lines 7816-7949 and insert:

- 2. Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area qualifies as a dense urban land area as defined in s. 163.3164 and that is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; or
- 3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per 337701

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square mile of land area which qualifies as a dense urban land area under s. 163.3164, but which does not have an urban service area designated in the comprehensive plan; or

4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

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The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the density criteria of subparagraphs 1.-4. is effective upon publication on the state 337701

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land planning agency's Internet website. If a municipality that has previously met the density criteria no longer meets the criteria, the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the density criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality met the density requirement must meet the requirements of this section. Any county that meets the density criteria shall remain on the list in accordance with the provisions of this section until such time as the municipality as a whole meets the density criteria. Any local government that was placed on the list before the effective date of this act shall remain on the list in accordance with the provisions of this section.

- (d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.
- (e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact 337701

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development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). A development that has a pending application for a comprehensive plan amendment and that elects not to continue development-of-regional-impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.

Section 53. Subsection (3) and paragraph (a) of 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:
  - (a) Airports.-
- 1. Any of the following airport construction projects shall be a development of regional impact:
- a. A new commercial service or general aviation airport with paved runways.
- b. A new commercial service or general aviation paved runway.
  - c. A new passenger terminal facility.
- 2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing 337701

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terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

- 3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact.

  Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.
- (b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:
  - 1. For single performance facilities:
  - a. Provides parking spaces for more than 2,500 cars; or
- b. Provides more than 10,000 permanent seats for spectators.
  - 2. For serial performance facilities:
  - a. Provides parking spaces for more than 1,000 cars; or
- b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

- 3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:
  - a. Provides parking spaces for more than 1,500 cars; or
- b. Provides more than 6,000 permanent seats for spectators.
- (c) Industrial plants, 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 onsite, 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 onsite, which:
  - 1. Provides parking for more than 2,500 motor vehicles; or 2. Occupies a site greater than 320 acres.
- (c) (d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:
- 1. Encompasses 300,000 or more square feet of gross floor area; or
- 2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly 337701

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suitable for increased threshold intensity in the approved local comprehensive plan.

- (d) (e) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:
- 1. Encompasses more than 400,000 square feet of gross area; or
  - 2. Provides parking spaces for more than 2,500 cars.
  - (f) Hotel or motel development.
- 1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or
- 2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000.
- (e) (g) Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.
- (f) (h) Multiuse development.—Any proposed development with two or more land uses 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 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 337701

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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.

(g)(i) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within areas designated as rural areas of critical economic concern.

(h)(j) Workforce housing.—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for incomeeligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is 337701

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affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

### (i) (k) Schools.

- 1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.
- 2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

- 3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.
- (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.
- (a) The criteria of three 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.
- 3. 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 Protection, or the Division of Florida Condominiums, Timeshares, 337701

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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 Department of Environmental Protection; the Division of Florida Condominiums, Timeshares, and Mobile Homes; or the Public Service Commission.
- $\underline{4.5.}$  There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.
- Section 54. Subsection (17) of section 331.303, Florida Statutes, is amended to read:
  - 331.303 Definitions.-
- (17) "Spaceport launch facilities" means industrial facilities as described in s. 380.0651(3)(c), Florida Statutes 2010, and include any launch pad, launch control center, and fixed launch-support equipment.
- Section 55. Subsection (1) of section 380.115, Florida Statutes, is amended to read:
- 380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—
- (1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other 337701

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right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, or a development that is exempt pursuant to s. 380.06(29) shall be governed by the following procedures:

- (a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed prior to a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.
- (b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

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Section 56. Paragraph (a) of subsection (8) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.-

- (8)(a) 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 plan amendment in s. 163.3187 or s. 163.3189 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.
- Section 57. Paragraph (a) of subsection (2) and subsection (10) of section 380.065, Florida Statutes, are amended to read:

  380.065 Certification of local government review of
- development.—
- (2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:
- (a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with ss. 163.3161-163.3215,

the <u>Community</u> <del>Local Government Comprehensive</del> Planning <del>and Land</del> <del>Development Regulation</del> Act.

(10) The department shall submit an annual progress report to the President of the Senate and the Speaker of the House of Representatives by March 1 on the certification of local governments, stating which local governments have been certified. For those local governments which have applied for certification but for which certification has been denied, the department shall specify the reasons certification was denied.

TITLE AMENDMENT

developments of regional impact; revising provisions to conform

to changes made by this act; amending s. 380.0651, F.S.;

revising provisions relating to statewide guidelines and

plants, industrial parks, distribution, warehousing and

review to certain procedures; amending s. 380.065, F.S.;

standards for certain multiscreen movie theaters, industrial

wholesaling facilities, and hotels and motels; revising criteria

for the determination of when to treat two or more developments

as a single development; amending s. 331.303, F.S.; conforming a

cross-reference; amending s. 380.115, F.S.; subjecting certain

developments required to undergo development-of-regional-impact

deleting certain reporting requirements; conforming provisions

to use of surcharges for beach renourishment and restoration;

to changes made by the act; amending s. 380.0685, F.S., relating

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Remove lines 118-135 and insert:

## HOUSE AMENDMENT

Bill No. CS/HB 7129 (2011)

# Amendment No.

514	repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code
515	relating to minimum criteria for review of local government
516	comprehensive plans and plan amendments, evaluation and
517	appraisal reports, land development regulations, and
518	determinations of compliance; amending ss. 70.51, 163.06,
519	163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229,
520	163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005,
521	193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319,
522	339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031,
523	380.061, 403.50665, 403.973, 420.5095,