

Amendment No. 1

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

2 Committee/Subcommittee hearing bill: Agriculture & Property
3 Rights Subcommittee
4 Representative La Rosa offered the following:

5

6 **Amendment**

7 Remove lines 3048-3199 and insert:

8

9

10 Any owner or developer who intends to rely on this statutory
11 exemption shall provide to the state land planning agency a copy
12 of the local government application for a development permit.
13 Within 45 days after receipt of the application, the state land
14 planning agency shall render to the local government an advisory
15 and nonbinding opinion, in writing, stating whether, in the
16 state land planning agency's opinion, the prescribed conditions

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17 exist for an exemption under this paragraph. The local
18 government shall render the development order approving each
19 such expansion to the state land planning agency. The owner,
20 developer, or state land planning agency may appeal the local
21 government development order pursuant to s. 380.07 within 45
22 days after the order is rendered. The scope of review shall be
23 limited to the determination of whether the conditions
24 prescribed in this paragraph exist. If any sports facility
25 expansion undergoes development-of-regional-impact review, all
26 previous expansions that were exempt under this paragraph must
27 be included in the development-of-regional-impact review.

28 (h) Expansion to port harbors, spoil disposal sites,
29 navigation channels, turning basins, harbor berths, and other
30 related inwater harbor facilities of the ports specified in s.
31 403.021(9)(b), port transportation facilities and projects
32 listed in s. 311.07(3)(b), and intermodal transportation
33 facilities identified pursuant to s. 311.09(3) when such
34 expansions, projects, or facilities are consistent with port
35 master plans and are in compliance with s. 163.3178.

36 (i) Any proposed facility for the storage of any petroleum
37 product or any expansion of an existing facility.

38 (j) Any renovation or redevelopment within the same parcel
39 as the existing development if such renovation or redevelopment
40 does not change land use or increase density or intensity of
41 use.

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42 (k) Waterport and marina development, including dry
43 storage facilities.

44 (l) Any proposed development within an urban service area
45 boundary established under s. 163.3177(14), Florida
46 Statutes(2010), that is not otherwise exempt pursuant to
47 subsection (3),if the local government having jurisdiction over
48 the area where the development is proposed has adopted the urban
49 service area boundary and has entered into a binding agreement
50 with jurisdictions that would be impacted and with the
51 Department of Transportation regarding the mitigation of impacts
52 on state and regional transportation facilities.

53 (m) Any proposed development within a rural land
54 stewardship area created under s. 163.3248.

55 (n) The establishment, relocation, or expansion of any
56 military installation as specified in s. 163.3175.

57 (o) Any self-storage warehousing that does not allow
58 retail or other services.

59 (p) Any proposed nursing home or assisted living facility.

60 (q) Any development identified in an airport master plan
61 and adopted into the comprehensive plan pursuant to s.
62 163.3177(6) (b) 4.

63 (r) Any development identified in a campus master plan and
64 adopted pursuant to s. 1013.30.

65 (s) Any development in a detailed specific area plan
66 prepared and adopted pursuant to s. 163.3245.

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67 (t) Any proposed solid mineral mine and any proposed
68 addition to, expansion of, or change to an existing solid
69 mineral mine. A mine owner must, however, enter into a binding
70 agreement with the Department of Transportation to mitigate
71 impacts to strategic intermodal system facilities. Proposed
72 changes to any previously approved solid mineral mine
73 development-of-regional-impact development orders having vested
74 rights are not subject to further review or approval as a
75 development-of-regional-impact or notice-of-proposed-change
76 review or approval pursuant to subsection (19), except for those
77 applications pending as of July 1, 2011, which are governed by
78 s. 380.115(2). Notwithstanding this requirement, pursuant to s.
79 380.115(1), a previously approved solid mineral mine
80 development-of-regional impact development order continues to
81 have vested rights and continues to be effective unless
82 rescinded by the developer. All local government regulations of
83 proposed solid mineral mines are applicable to any new solid
84 mineral mine or to any proposed addition to, expansion of, or
85 change to an existing solid mineral mine.

86 (u) Notwithstanding any provision in an agreement with or
87 among a local government, regional agency, or the state land
88 planning agency or in a local government's comprehensive plan to
89 the contrary, a project no longer subject to development-of
90 regional-impact review under the revised thresholds specified in
91 s. 380.06(2)(b) and this section.

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92 (v) Any development within a county that has a research
93 and education authority created by special act and which is also
94 within a research and development park that is operated or
95 managed by a research and development authority pursuant to part
96 V of chapter 159.

97 (w) Any development in an energy economic zone designated
98 pursuant to s. 377.809 upon approval by its local governing
99 body.

100
101 If a use is exempt from review pursuant to paragraphs (a)-(u),
102 but will be part of a larger project that is subject to review
103 pursuant to s. 380.06(12), the impact of the exempt use must be
104 included in the review of the larger project, unless such exempt
105 use involves a development that includes a landowner, tenant, or
106 user that has entered into a funding agreement with the state
107 land planning agency under the Innovation Incentive Program and
108 the agreement contemplates a state award of at least \$50
109 million.

110 (3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.

111 (a) The following are exempt from the requirements of s.
112 380.06:

113 1. Any proposed development in a municipality that has an
114 average of at least 1,000 people per square mile of land area
115 and a minimum total population of at least 5,000;

116 2. Any proposed development within a county, including the

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117 municipalities located therein, having an average of at least
118 1,000 people per square mile of land area and the development is
119 located within an urban service area as defined in s. 163.3164
120 which has been adopted into the comprehensive plan as defined in
121 s. 163.3164;

122 3. Any proposed development within a county, including the
123 municipalities located therein, having a population of at least
124 900,000 and an average of at least 1,000 people per square mile
125 of land area, but which does not have an urban service area
126 designated in the comprehensive plan; and

127 4. Any proposed development within a county, including the
128 municipalities located therein, having a population of at least
129 1 million and the development is located within an urban service
130 area as defined in s. 163.3164 which has been adopted into the
131 comprehensive plan.

132
133 The Office of Economic and Demographic Research within the
134 Legislature shall annually calculate the population and density
135 criteria needed to determine which jurisdictions meet the
136 density criteria in subparagraphs 1.-4. by using the most recent
137 land area data from the decennial census conducted by the Bureau
138 of the Census of the United States Department of Commerce and
139 the latest available population estimates determined pursuant to
140 s. 186.901. If any local government has had an annexation,
141 contraction, or new incorporation, the Office of Economic and

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142 Demographic Research shall determine the population density
143 using the new jurisdictional boundaries as recorded in
144 accordance with s. 171.091. The Office of Economic and
145 Demographic Research shall annually submit to the state land
146 planning agency by July 1 a list of jurisdictions that meet the
147 total population and density criteria. The state land planning
148 agency shall publish the list of jurisdictions on its website
149 within 7 days after the list is received. The designation of
150 jurisdictions that meet the criteria of subparagraphs 1.-4. is
151 effective upon publication on the state land planning agency's
152 website. If a municipality that has previously met the criteria
153 no longer meets the criteria, the state land planning agency
154 must maintain the municipality on the list and indicate the year
155 the jurisdiction last met the criteria. However, any proposed
156 development of regional impact not within the established
157 boundaries of a municipality at the time the municipality last
158 met the criteria must meet the requirements of this section
159 until the municipality as a whole meets the criteria. Any county
160 that meets the criteria must remain on the list. Any
161 jurisdiction that was placed on the dense urban land area list
162 before June 2, 2011, must remain on the list.

163 (b) If a municipality that does not qualify as a dense
164 urban land area pursuant to paragraph (a) designates any of the
165 following areas in its comprehensive plan, any proposed
166 development within the designated area is exempt from s. 380.06

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167 unless otherwise required by part II of chapter 163:
168 1. Urban infill as defined in s. 163.3164;
169 2. Community redevelopment areas as defined in s. 163.340;
170 3. Downtown revitalization areas as defined in s.
171 163.3164;
172 4. Urban infill and redevelopment under s. 163.2517; or
173 5. Urban service areas as defined in s. 163.3164 or areas
174 within a designated urban service area boundary pursuant to s.
175 163.3177(14), Florida Statutes (2010).
176 (c) If a county that does not qualify as a dense urban
177 land area designates any of the following areas in its
178 comprehensive plan, any proposed development within the
179 designated area is exempt from the development-of-regional-
180 impact process:
181 1. Urban infill as defined in s. 163.3164;
182 2. Urban infill and redevelopment pursuant to s. 163.2517;
183 or
184 3. Urban service areas as defined in s. 163.3164.
185 (d) If any portion of a development is located in an area
186 that is not exempt from review under s. 380.06, the development
187 must undergo review pursuant to that section.