

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Bennett offered the following:

Amendment to Amendment (925427) (with title amendment)

On page 103, between lines 5 and 6,

insert:

Section 24. Subsection (4) is added to section 333.06, Florida Statutes, to read:

333.06 Airport zoning requirements.--

(4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENT.--An airport master plan shall be prepared by each publicly owned and operated airport licensed by the Department of Transportation under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when either requesting from or submitting to a state or federal government agency with funding or approval jurisdiction a "finding of no significant impact," an environmental assessment, a site selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendment by certified

1 mail to all affected local governments. For the purposes of
2 this subsection, "affected local government" means any city or
3 county having jurisdiction over the airport and any city or
4 county located within 2 miles of the boundaries of the land
5 subject to the airport master plan.

6 Section 25. Paragraph (b) of subsection (19) of
7 section 380.06, Florida Statutes, is amended, paragraphs (i),
8 (j), (k), (l), (m), and (n) are added to subsection (24) of
9 said section to read:

10 380.06 Developments of regional impact.--

11 (19) SUBSTANTIAL DEVIATIONS.--

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

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

25 ~~2. A new runway, a new terminal facility, a 25-percent~~
26 ~~lengthening of an existing runway, or a 25-percent increase in~~
27 ~~the number of gates of an existing terminal, but only if the~~
28 ~~increase adds at least three additional gates. However, if an~~
29 ~~airport is located in two counties, a 10-percent lengthening~~
30 ~~of an existing runway or a 20-percent increase in the number~~
31 ~~of gates of an existing terminal is the applicable criteria.~~

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1 ~~2.3.~~ An increase in the number of hospital beds by 5
2 percent or 60 beds, whichever is greater.

3 ~~3.4.~~ An increase in industrial development area by 5
4 percent or 32 acres, whichever is greater.

5 ~~4.5.~~ An increase in the average annual acreage mined
6 by 5 percent or 10 acres, whichever is greater, or an increase
7 in the average daily water consumption by a mining operation
8 by 5 percent or 300,000 gallons, whichever is greater. An
9 increase in the size of the mine by 5 percent or 750 acres,
10 whichever is less.

11 ~~5.6.~~ An increase in land area for office development
12 by 5 percent or 6 acres, whichever is greater, or an increase
13 of gross floor area of office development by 5 percent or
14 60,000 gross square feet, whichever is greater.

15 ~~7.~~ ~~An increase in the storage capacity for chemical or~~
16 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~
17 ~~7 million pounds, whichever is greater.~~

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

24 ~~6.9.~~ An increase in the number of dwelling units by 5
25 percent or 50 dwelling units, whichever is greater.

26 ~~7.10.~~ An increase in commercial development by 6 acres
27 of land area or by 50,000 square feet of gross floor area, or
28 of parking spaces provided for customers for 300 cars or a
29 5-percent increase of any of these, whichever is greater.

30 ~~8.11.~~ An increase in hotel or motel facility units by
31 5 percent or 75 units, whichever is greater.

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1 ~~9.12.~~ An increase in a recreational vehicle park area
2 by 5 percent or 100 vehicle spaces, whichever is less.

3 ~~10.13.~~ A decrease in the area set aside for open space
4 of 5 percent or 20 acres, whichever is less.

5 ~~11.14.~~ A proposed increase to an approved multiuse
6 development of regional impact where the sum of the increases
7 of each land use as a percentage of the applicable substantial
8 deviation criteria is equal to or exceeds 150 ~~100~~ percent. The
9 percentage of any decrease in the amount of open space shall
10 be treated as an increase for purposes of determining when 150
11 ~~100~~ percent has been reached or exceeded.

12 ~~12.15.~~ A 15-percent increase in the number of external
13 vehicle trips generated by the development above that which
14 was projected during the original
15 development-of-regional-impact review.

16 ~~13.16.~~ Any change which would result in development of
17 any area which was specifically set aside in the application
18 for development approval or in the development order for
19 preservation or special protection of endangered or threatened
20 plants or animals designated as endangered, threatened, or
21 species of special concern and their habitat, primary dunes,
22 or archaeological and historical sites designated as
23 significant by the Division of Historical Resources of the
24 Department of State. The further refinement of such areas by
25 survey shall be considered under sub-subparagraph (e)4.b.
26 ~~(e)5.b.~~

27
28 The substantial deviation numerical standards in subparagraphs
29 ~~3.4.~~, ~~5.6.~~, ~~7.10.~~, ~~11.14.~~, excluding residential uses, and
30 ~~12.15.~~, are increased by 100 percent for a project certified
31 under s. 403.973 which creates jobs and meets criteria

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1 established by the Office of Tourism, Trade, and Economic
2 Development as to its impact on an area's economy, employment,
3 and prevailing wage and skill levels. The substantial
4 deviation numerical standards in subparagraphs 3.4, 5.6,
5 6.9, 7.10, 8.11, and 11.14 are increased by 50 percent for
6 a project located wholly within an urban infill and
7 redevelopment area designated on the applicable adopted local
8 comprehensive plan future land use map and not located within
9 the coastal high hazard area.

10 (24) STATUTORY EXEMPTIONS.--

11 (i) Any proposed facility for the storage of any
12 petroleum product is exempt from the provisions of this
13 section, if such facility is consistent with a local
14 comprehensive plan that is in compliance with s. 163.3177 or
15 is consistent with a comprehensive port master plan that is in
16 compliance with s. 163.3178.

17 (j) Any proposal to increase development at a
18 waterport existing on the effective date of this act or any
19 new waterport development is exempt from the provisions of
20 this section, unless such proposed development is located
21 within a county identified in s. 370.12(2)(f). Such a county
22 shall be exempt after a manatee protection plan has been
23 adopted by the county and submitted for approval to the Fish
24 and Wildlife Conservation Commission, or on October 1, 2003,
25 whichever is earlier.

26 (k) Any development located within a sector plan
27 adopted pursuant to s. 163.3245 which is consistent with the
28 sector plan is exempt from the provisions of this section.
29 Should s. 163.3245 be repealed, any approved development
30 within a sector plan shall maintain this exemption. However,
31 any development-of-regional-impact development order that is

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1 vested from the sector plan may be enforced under s. 380.11.

2 (l) Any development or expansion of an airport or
3 airport-related or aviation-related development is exempt from
4 the provisions of this section.

5 (m) Any development or expansion located within an
6 area designated in the comprehensive plan for urban infill
7 development, urban redevelopment, downtown revitalization, or
8 urban infill and redevelopment under s. 163.2517, is exempt
9 from the provisions of this section, unless such development
10 is located within a coastal high-hazard area.

11 (n) Any development or expansion of a brownfield site
12 or area designated as such in accordance with ss.
13 376.77-376.85 is exempt from the provisions of this section,
14 if such development or expansion is consistent with the local
15 comprehensive plan.

16 Section 26. Paragraphs (a) and (e) of subsection (3)
17 of section 380.0651, Florida Statutes, are repealed.

18 Section 27. (1) Nothing contained in this act
19 abridges or modifies any vested or other right or any duty or
20 obligation pursuant to any development order or agreement
21 which is applicable to a development of regional impact on the
22 effective date of this section. An airport, marina, or
23 petroleum storage facility which has received a
24 development-of-regional-impact development order pursuant to
25 s. 380.06, Florida Statutes 2000, but is no longer required to
26 undergo development-of-regional-impact review by operation of
27 s. 380.06(24)(i), (j), or (l), Florida Statutes, as created by
28 this act, or by operation of the repeal of s. 380.0651(3)(a)
29 or (e), Florida Statutes, by this act, shall be governed by
30 the following procedures:

31 (a) The development shall continue to be governed by

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1 the development-of-regional-impact development order, and may
2 be completed in reliance upon and pursuant to the development
3 order. The development-of-regional-impact development order
4 may be enforced by the local government as provided by ss.
5 380.06(17) and 380.11, Florida Statutes 2000.

6 (b) If requested by the developer or landowner, the
7 development-of-regional-impact development order may be
8 amended or rescinded by the local government consistent with
9 the local comprehensive plan and land development regulations,
10 and pursuant to the local government procedures governing
11 local development orders.

12 (2) An airport, marina, or petroleum storage facility
13 with an application for development approval pending on the
14 effective date of this act, or a notification of proposed
15 change pending on the effective date of this act, may elect to
16 continue such review pursuant to s. 380.06, Florida Statutes
17 2000. At the conclusion of the pending review, including any
18 appeals pursuant to s. 380.07, Florida Statutes 2000, the
19 resulting development order shall be governed by the
20 provisions of subsection (1).

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 115, line 6, of the amendment
26 remove: all of said line

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and insert in lieu thereof:

29 development; amending s. 333.06, F.S. ;
30 requiring each publicly owned licensed airport
31 to prepare an airport master plan; requiring

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1 the entity which governs the operation of such
2 an airport to submit copies of certain
3 documents to all affected local governments;
4 removing provisions which specify that certain
5 changes in airport facilities, increases in the
6 storage capacity for chemical or petroleum
7 storage facilities, or development at a
8 waterport constitute a substantial deviation
9 and require further
10 development-of-regional-impact review;
11 exempting certain proposed facilities for the
12 storage of any petroleum product from
13 development-of-regional-impact requirements;
14 exempting proposed waterport development in
15 certain counties from such requirements and
16 providing application of such exemption to
17 counties identified in s. 370.12(2)(f), F.S.;
18 providing for maintenance of the exemption from
19 development-of-regional-impact review for
20 developments under s. 163.3245, F.S., relating
21 to optional sector plans, if said section is
22 repealed; exempting certain development or
23 expansion of airports or airport-related
24 development from development-of-regional-impact
25 requirements; exempting development or
26 expansion within certain areas from
27 development-of-regional-impact requirements;
28 repealing s. 380.0651(3)(a) and (e), F.S.,
29 which provide the
30 development-of-regional-impact statewide
31 guidelines and standards for airports and port

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1 facilities; providing application with respect
2 to airports, marinas, and petroleum storage
3 facilities which have received a
4 development-of-regional-impact development
5 order, or which have an application for
6 development approval or notification of
7 proposed change pending, on the effective date
8 of the act; creating s. 570.70, F.S.;

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