

789-126AX-22

Bill No. CS/HB 1535

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

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

Amendment (with title amendment)

On page 2, line 15,

insert:

Section 1. Subsection (6) of section 163.3164, Florida Statutes, is repealed.

Section 2. Section 163.3165, Florida Statutes, is created to read:

163.3165 Definition of development.--

(1) The term "development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

1 (b) A change in the intensity of use of land, such as
2 an increase in the number of dwelling units in a structure or
3 on land or a material increase in the number of businesses,
4 manufacturing establishments, offices, or dwelling units in a
5 structure or on land.

6 (c) Alteration of a shore or bank of a seacoast,
7 river, stream, lake, pond, or canal, including any "coastal
8 construction" as defined in s. 161.021.

9 (d) Commencement of drilling, except to obtain soil
10 samples, mining, or excavation on a parcel of land.

11 (e) Demolition of a structure.

12 (f) Clearing of land as an adjunct of construction.

13 (g) Deposit of refuse, solid or liquid waste, or fill
14 on a parcel of land.

15 (3) The following operations or uses shall not be
16 taken for the purpose of this chapter to involve "development"
17 as defined in this section:

18 (a) Work by a highway or road agency or railroad
19 company for the maintenance or improvement of a road or
20 railroad track, if the work is carried out on land within the
21 boundaries of the right-of-way.

22 (b) Work by any utility and other persons engaged in
23 the distribution or transmission of gas or water, for the
24 purpose of inspecting, repairing, renewing, or constructing on
25 established rights-of-way any sewers, mains, pipes, cables,
26 utility tunnels, power lines, towers, poles, tracks, or the
27 like.

28 (c) Work for the maintenance, renewal, improvement, or
29 alteration of any structure, if the work affects only the
30 interior or the color of the structure or the decoration of
31 the exterior of the structure.

1 (d) The use of any structure or land devoted to
2 dwelling uses for any purpose customarily incidental to
3 enjoyment of the dwelling.

4 (e) The use of any land for the purpose of growing
5 plants, crops, trees, and other agricultural or forestry
6 products; raising livestock; or for other agricultural
7 purposes.

8 (f) A change in use of land or structure from a use
9 within a class specified in an ordinance or rule to another
10 use in the same class.

11 (g) A change in the ownership or form of ownership of
12 any parcel or structure.

13 (h) The creation or termination of rights of access,
14 riparian rights, easements, covenants concerning development
15 of land, or other rights in land.

16 (4) "Development," as designated in an ordinance,
17 rule, or development permit includes all other development
18 customarily associated with it unless otherwise specified.
19 When appropriate to the context, "development" refers to the
20 act of developing or to the result of development. Reference
21 to any specific operation is not intended to mean that the
22 operation or activity, when part of other operations or
23 activities, is not development. Reference to particular
24 operations is not intended to limit the generality of
25 subsection (1).

26 Section 3. Section 186.515, Florida Statutes, is
27 amended to read:

28 186.515 Creation of regional planning councils under
29 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and
30 186.515 is intended to repeal or limit the provisions of
31 chapter 163; however, the local general-purpose governments

1 serving as voting members of the governing body of a regional
2 planning council created pursuant to ss. 186.501-186.507,
3 186.513, and 186.515 are not authorized to create a regional
4 planning council pursuant to chapter 163 unless an agency,
5 other than a regional planning council created pursuant to ss.
6 186.501-186.507, 186.513, and 186.515, is designated to
7 exercise the powers and duties in any one or more of ss.
8 163.3164(18)——and 380.031(15); in which case, such a
9 regional planning council is also without authority to

11 380.031(15).

12 Section 4. Paragraph (a) of subsection (16) of section

14 287.042 Powers, duties, and functions.--The department
15 shall have the following powers, duties, and functions:

17 governmental agencies, as defined in s. 163.3164(9)——for
18 the purpose of pooling funds for the purchase of commodities

20 agencies. However, the department shall consult with the State
21 Technology Office on joint agreements that involve the

23 joint purchasing agreements with the department or the State
24 Technology Office shall authorize the department or the State

26 behalf.

27 Section 5. Paragraph (a) of subsection (2) of section

29 288.975 Military base reuse plans.--

30 (2) As used in this section, the term:

1 government adjoining the host local government and any other
 2 unit of local government that is not a host local government
 3 but that is identified in a proposed military base reuse plan
 4 as providing, operating, or maintaining one or more public
 5 facilities as defined in s. 163.3164(23)(24)on lands within
 6 or serving a military base designated for closure by the
 7 Federal Government.

8 Section 6. Subsection (5) of section 369.303, Florida
 9 Statutes, is amended to read:

10 369.303 Definitions.--As used in this part:

11 (5) "Land development regulation" means a regulation
 12 covered by the definition in s. 163.3164(22)(23)and any of
 13 the types of regulations described in s. 163.3202.

14 Section 7. Subsection (16) of section 420.9071,
 15 Florida Statutes, is amended to read:

16 420.9071 Definitions.--As used in ss.
 17 420.907-420.9079, the term:

18 (16) "Local housing incentive strategies" means local
 19 regulatory reform or incentive programs to encourage or
 20 facilitate affordable housing production, which include at a
 21 minimum, assurance that permits as defined in s. 163.3164(6)
 22 (7)and(7)(8)for affordable housing projects are expedited
 23 to a greater degree than other projects; an ongoing process
 24 for review of local policies, ordinances, regulations, and
 25 plan provisions that increase the cost of housing prior to
 26 their adoption; and a schedule for implementing the incentive
 27 strategies. Local housing incentive strategies may also
 28 include other regulatory reforms, such as those enumerated in
 29 s. 420.9076 and adopted by the local governing body.

30 Section 8. Paragraph (a) of subsection (4) of section
 31 420.9076, Florida Statutes, is amended to read:

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1 420.9076 Adoption of affordable housing incentive
2 strategies; committees.--
3 (4) The advisory committee shall review the
4 established policies and procedures, ordinances, land
5 development regulations, and adopted local government
6 comprehensive plan of the appointing local government and
7 shall recommend specific initiatives to encourage or
8 facilitate affordable housing while protecting the ability of
9 the property to appreciate in value. Such recommendations may
10 include the modification or repeal of existing policies,
11 procedures, ordinances, regulations, or plan provisions; the
12 creation of exceptions applicable to affordable housing; or
13 the adoption of new policies, procedures, regulations,
14 ordinances, or plan provisions. At a minimum, each advisory
15 committee shall make recommendations on affordable housing
16 incentives in the following areas:

17 (a) The processing of approvals of development orders
18 or permits, as defined in s. 163.3164~~(6)(7)~~and~~(7)(8)~~, for
19 affordable housing projects is expedited to a greater degree
20 than other projects.

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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 1, line 2, after the semicolon

26
27 insert:

28 repealing s. 163.3164(6), F.S., relating to the
29 Local Government Comprehensive Planning and
30 Land Development Act; deleting the definition
31 of "development"; creating s. 163.3165, F.S.;

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1 providing a definition of "development";
2 amending ss. 186.515, 287.042, 288.975,
3 369.303, 420.9071, and 420.9076, F.S.;
4 conforming cross references;
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