

789-126AXA-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 to Amendment (413501) (with title amendment)

On page 51, line 22,

insert:

Section 14. Subsection (6) of section 163.3164, Florida Statutes, is repealed.

Section 15. 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 or any work or construction
22 within the boundaries of the right-of-way on the federal
23 interstate highway system.

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

30 (c) Work for the maintenance, renewal, improvement, or
31 alteration of any structure, if the work affects only the

1 interior or the color of the structure or the decoration of
2 the exterior of the structure.

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

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

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

13 (g) A change in the ownership or form of ownership of
14 any parcel or structure.

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

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

28 Section 16. Section 186.515, Florida Statutes, is
29 amended to read:

30 186.515 Creation of regional planning councils under
31 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and

1 186.515 is intended to repeal or limit the provisions of
 2 chapter 163; however, the local general-purpose governments
 3 serving as voting members of the governing body of a regional
 4 planning council created pursuant to ss. 186.501-186.507,
 5 186.513, and 186.515 are not authorized to create a regional
 6 planning council pursuant to chapter 163 unless an agency,
 7 other than a regional planning council created pursuant to ss.
 8 186.501-186.507, 186.513, and 186.515, is designated to
 9 exercise the powers and duties in any one or more of ss.
 10 163.3164(18)(19) and 380.031(15); in which case, such a
 11 regional planning council is also without authority to
 12 exercise the powers and duties in s. 163.3164(19) or s.
 13 380.031(15).

14 Section 17. Paragraph (a) of subsection (16) of
 15 section 287.042, Florida Statutes, is amended to read:

16 287.042 Powers, duties, and functions.--The department
 17 shall have the following powers, duties, and functions:

18 (16)(a) To enter into joint agreements with
 19 governmental agencies, as defined in s. 163.3164(9)(10) for
 20 the purpose of pooling funds for the purchase of commodities
 21 or information technology that can be used by multiple
 22 agencies. However, the department shall consult with the State
 23 Technology Office on joint agreements that involve the
 24 purchase of information technology. Agencies entering into
 25 joint purchasing agreements with the department or the State
 26 Technology Office shall authorize the department or the State
 27 Technology Office to contract for such purchases on their
 28 behalf.

29 Section 18. Paragraph (a) of subsection (2) of section
 30 288.975, Florida Statutes, is amended to read:

31 288.975 Military base reuse plans.--

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

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

10 Section 19. Subsection (5) of section 369.303, Florida
11 Statutes, is amended to read:

12 369.303 Definitions.--As used in this part:

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

16 Section 20. Subsection (16) of section 420.9071,
17 Florida Statutes, is amended to read:

18 420.9071 Definitions.--As used in ss.
19 420.907-420.9079, the term:

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

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1 Section 21. Paragraph (a) of subsection (4) of section
2 420.9076, Florida Statutes, is amended to read:

3 420.9076 Adoption of affordable housing incentive
4 strategies; committees.--

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

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

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

26 And the title is amended as follows:

27 On page 54, line 28, after the semicolon

28

29 insert:

30 repealing s. 163.3164(6), F.S., relating to the
31 Local Government Comprehensive Planning and

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1 Land Development Act; deleting the definition
2 of "development"; creating s. 163.3165, F.S.;
3 providing a definition of "development";
4 amending ss. 186.515, 287.042, 288.975,
5 369.303, 420.9071, and 420.9076, F.S.;
6 conforming cross references;
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