

Bill No. SB 546

Amendment No. 2 Barcode 481402

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	The Committee on Comprehensive Planning recommended the		
12	following amendment:		
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14	<b>Senate Amendment (with title amendment)</b>		
15	Delete everything after the enacting clause		
16			
17	and insert:		
18	Section 1. Paragraph (e) of subsection (19) of section		
19	380.06, Florida Statutes, is amended to read:		
20	380.06 Developments of regional impact.--		
21	(19) SUBSTANTIAL DEVIATIONS.--		
22	(e)1. Except for a development order rendered pursuant		
23	to subsection (22) or subsection (25), a proposed change to a		
24	development order that individually or cumulatively with any		
25	previous change is less than any numerical criterion contained		
26	in subparagraphs (b)1.-15. and does not exceed any other		
27	criterion, or that involves an extension of the buildout date		
28	of a development, or any phase thereof, of less than 5 years		
29	is not subject to the public hearing requirements of		
30	subparagraph (f)3., and is not subject to a determination		
31	pursuant to subparagraph (f)5. Notice of the proposed change		

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1 shall be made to the regional planning council and the state  
2 land planning agency. Such notice shall include a description  
3 of previous individual changes made to the development,  
4 including changes previously approved by the local government,  
5 and shall include appropriate amendments to the development  
6 order.

7           2. The following changes, individually or cumulatively  
8 with any previous changes, are not substantial deviations:

9           a. Changes in the name of the project, developer,  
10 owner, or monitoring official.

11           b. Changes to a setback that do not affect noise  
12 buffers, environmental protection or mitigation areas, or  
13 archaeological or historical resources.

14           c. Changes to minimum lot sizes.

15           d. Changes in the configuration of internal roads that  
16 do not affect external access points.

17           e. Changes to the building design or orientation that  
18 stay approximately within the approved area designated for  
19 such building and parking lot, and which do not affect  
20 historical buildings designated as significant by the Division  
21 of Historical Resources of the Department of State.

22           f. Changes to increase the acreage in the development,  
23 provided that no development is proposed on the acreage to be  
24 added.

25           g. Changes to eliminate an approved land use, provided  
26 that there are no additional regional impacts.

27           h. Changes required to conform to permits approved by  
28 any federal, state, or regional permitting agency, provided  
29 that these changes do not create additional regional impacts.

30           i. Any renovation or redevelopment of development  
31 within a previously approved development of regional impact

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1 which does not change land use or increase density or  
2 intensity of use.

3 j. Any other change which the state land planning  
4 agency agrees in writing is similar in nature, impact, or  
5 character to the changes enumerated in sub-subparagraphs a.-i.  
6 and which does not create the likelihood of any additional  
7 regional impact.

8  
9 This subsection does not require a development order amendment  
10 for any change listed in sub-subparagraphs a.-j. unless such  
11 issue is addressed either in the existing development order or  
12 in the application for development approval, but, in the case  
13 of the application, only if, and in the manner in which, the  
14 application is incorporated in the development order.

15 3. Except for the change authorized by  
16 sub-subparagraph 2.f., any addition of land not previously  
17 reviewed or any change not specified in paragraph (b) or  
18 paragraph (c) shall be presumed to create a substantial  
19 deviation. This presumption may be rebutted by clear and  
20 convincing evidence.

21 4. Any submittal of a proposed change to a previously  
22 approved development shall include a description of individual  
23 changes previously made to the development, including changes  
24 previously approved by the local government. The local  
25 government shall consider the previous and current proposed  
26 changes in deciding whether such changes cumulatively  
27 constitute a substantial deviation requiring further  
28 development-of-regional-impact review.

29 5. The following changes to an approved development of  
30 regional impact shall be presumed to create a substantial  
31 deviation. Such presumption may be rebutted by clear and

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1 convincing evidence.

2 a. A change proposed for 15 percent or more of the  
3 acreage to a land use not previously approved in the  
4 development order. Changes of less than 15 percent shall be  
5 presumed not to create a substantial deviation.

6 b. Except for the types of uses listed in subparagraph  
7 (b)16., any change which would result in the development of  
8 any area which was specifically set aside in the application  
9 for development approval or in the development order for  
10 preservation, buffers, or special protection, including  
11 habitat for plant and animal species, archaeological and  
12 historical sites, dunes, and other special areas.

13 c. Notwithstanding any provision of paragraph (b) to  
14 the contrary, a proposed change consisting of simultaneous  
15 increases and decreases of at least two of the uses within an  
16 authorized multiuse development of regional impact which was  
17 originally approved with three or more uses specified in s.  
18 380.0651(3)(c), (d), (f), and (g) and residential use.

19 6. Notwithstanding the provisions of this subsection,  
20 a multimodal transit station that includes a light or heavy  
21 rail station and is proposed to be developed on land located  
22 in an approved development of regional impact is not a  
23 substantial deviation and may be approved by local government,  
24 provided that nontransit uses of the multimodal transit  
25 station are complementary or accessory to the station or are  
26 amenities for transit patrons.

27 Section 2. This act shall take effect upon becoming a  
28 law.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to developments of regional

8 impact; providing an exception to substantial

9 deviation provisions for certain multimodal

10 transit stations; providing an effective date.

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