

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Brandenburg offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 344 and 345, insert:

5 Section 2. Paragraph (b) of subsection (19) of section

6 380.06, Florida Statutes, is amended to read:

7 380.06 Developments of regional impact.--

8 (19) SUBSTANTIAL DEVIATIONS.--

9 (b) Any proposed change to a previously approved

10 development of regional impact or development order condition

11 which, either individually or cumulatively with other changes,

12 exceeds any of the following criteria shall constitute a

13 substantial deviation and shall cause the development to be

14 subject to further development-of-regional-impact review without

15 the necessity for a finding of same by the local government:

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

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

28 3. An increase in the number of hospital beds by 5 percent
29 or 60 beds, whichever is greater.

30 4. An increase in industrial development area by 5 percent
31 or 32 acres, whichever is greater.

32 5. An increase in the average annual acreage mined by 5
33 percent or 10 acres, whichever is greater, or an increase in the
34 average daily water consumption by a mining operation by 5
35 percent or 300,000 gallons, whichever is greater. An increase in
36 the size of the mine by 5 percent or 750 acres, whichever is
37 less. An increase in the size of a heavy mineral mine as defined
38 in s. 378.403(7) will only constitute a substantial deviation if
39 the average annual acreage mined is more than 500 acres and
40 consumes more than 3 million gallons of water per day.

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41 6. An increase in land area for office development by 5
42 percent or an increase of gross floor area of office development
43 by 5 percent or 60,000 gross square feet, whichever is greater.

44 7. An increase in the storage capacity for chemical or
45 petroleum storage facilities by 5 percent, 20,000 barrels, or 7
46 million pounds, whichever is greater.

47 8. An increase of development at a waterport of wet
48 storage for 20 watercraft, dry storage for 30 watercraft, or
49 wet/dry storage for 60 watercraft in an area identified in the
50 state marina siting plan as an appropriate site for additional
51 waterport development or a 5-percent increase in watercraft
52 storage capacity, whichever is greater.

53 9. An increase in the number of dwelling units by 5
54 percent or 50 dwelling units, whichever is greater.

55 10. An increase in commercial development by 50,000 square
56 feet of gross floor area or of parking spaces provided for
57 customers for 300 cars or a 5-percent increase of either of
58 these, whichever is greater.

59 11. An increase in hotel or motel facility units by 5
60 percent or 75 units, whichever is greater.

61 12. An increase in a recreational vehicle park area by 5
62 percent or 100 vehicle spaces, whichever is less.

63 13. A decrease in the area set aside for open space of 5
64 percent or 20 acres, whichever is less.

65 14. A proposed increase to an approved multiuse
66 development of regional impact where the sum of the increases of
67 each land use as a percentage of the applicable substantial

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68 deviation criteria is equal to or exceeds 100 percent. The
69 percentage of any decrease in the amount of open space shall be
70 treated as an increase for purposes of determining when 100
71 percent has been reached or exceeded.

72 15. A 15-percent increase in the number of external
73 vehicle trips generated by the development above that which was
74 projected during the original development-of-regional-impact
75 review.

76 16. Any change which would result in development of any
77 area which was specifically set aside in the application for
78 development approval or in the development order for
79 preservation or special protection of endangered or threatened
80 plants or animals designated as endangered, threatened, or
81 species of special concern and their habitat, primary dunes, or
82 archaeological and historical sites designated as significant by
83 the Division of Historical Resources of the Department of State.
84 The further refinement of such areas by survey shall be
85 considered under sub-subparagraph (e)5.b.

86
87 The substantial deviation numerical standards in subparagraphs
88 4., 6., 10., 14., excluding residential uses, and 15., are
89 increased by 100 percent for a project certified under s.
90 403.973 which creates jobs and meets criteria established by the
91 Office of Tourism, Trade, and Economic Development as to its
92 impact on an area's economy, employment, and prevailing wage and
93 skill levels. The substantial deviation numerical standards in
94 subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50

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95 percent for a project located wholly within an urban infill and
96 redevelopment area designated on the applicable adopted local
97 comprehensive plan future land use map and not located within
98 the coastal high hazard area.

99 Section 3. Subsections (3) and (4) of section 380.23,
100 Florida Statutes, are amended to read:

101 380.23 Federal consistency.--

102 (3) Consistency review shall be limited to review of the
103 following activities, uses, and projects to ensure that such
104 activities, ~~and uses, and projects~~ are conducted in accordance
105 with the state's coastal management program:

106 (a) Federal development projects and activities of federal
107 agencies which significantly affect coastal waters and the
108 adjacent shorelands of the state.

109 (b) Federal assistance projects that ~~which~~ significantly
110 affect coastal waters and the adjacent shorelands of the state
111 and that ~~which~~ are reviewed as part of the review process
112 developed pursuant to Presidential Executive Order 12372.

113 (c) Federally licensed or permitted activities affecting
114 land or water uses when such activities are in or seaward of the
115 jurisdiction of local governments required to develop a coastal
116 zone protection element as provided in s. 380.24 and when such
117 activities involve:

118 1. Permits and licenses required under the Rivers and
119 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

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120 2. Permits and licenses required under the Marine
121 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
122 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

123 3. Permits and licenses required under the Federal Water
124 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
125 amended, unless such permitting activities have been delegated
126 to the state pursuant to said act.

127 4. Permits and licenses relating to the transportation of
128 hazardous substance materials or transportation and dumping
129 which are issued pursuant to the Hazardous Materials
130 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
131 33 U.S.C. s. 1321, as amended.

132 5. Permits and licenses required under 15 U.S.C. ss. 717-
133 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
134 1331-1356 for construction and operation of interstate gas
135 pipelines and storage facilities.

136 6. Permits and licenses required for the siting and
137 construction of any new electrical power plants as defined in s.
138 403.503(12), as amended, and the licensing and relicensing of
139 hydroelectric power plants under the Federal Power Act, 16
140 U.S.C. ss. 791a et seq., as amended.

141 7. Permits and licenses required under the Mining Law of
142 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
143 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
144 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
145 amended; the Federal Land Policy and Management Act, 43 U.S.C.
146 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16

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147 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
148 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
149 pipelines, geological and geophysical activities, or rights-of-
150 way on public lands and permits and licenses required under the
151 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
152 amended for drilling and mining on public lands.

153 8. Permits and licenses for areas leased under the OCS
154 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
155 leases and approvals of exploration, development, and production
156 plans.

157 ~~9. Permits for pipeline rights-of-way for oil and gas~~
158 ~~transmissions.~~

159 ~~9.10.~~ Permits and licenses required under the for
160 Deepwater Port Act of 1974, ports under 33 U.S.C. ss. 1501 et
161 seq. s. 1503, as amended.

162 ~~10.11.~~ Permits required for the taking of marine mammals
163 under the Marine Mammal Protection Act of 1972, as amended, 16
164 U.S.C. s. 1374.

165 (d) Federal activities within the territorial limits of
166 neighboring states when the Governor and the department
167 determine that significant individual or cumulative impact to
168 the land or water resources of the state would result from the
169 activities.

170 (4) The department may ~~is authorized to~~ adopt rules
171 establishing procedures for conducting consistency reviews of
172 activities, uses, and projects for which consistency review is

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173 required pursuant to subsections (1), (2), and (3). Such
 174 rules shall include procedures for the expeditious handling
 175 of emergency repairs to existing facilities for which
 176 consistency review is required. The department may ~~is~~ also
 177 ~~authorized to~~ adopt rules prescribing the data and
 178 information needed for the review of consistency
 179 certifications and determinations. When an environmental
 180 impact statement or environmental assessment required by the
 181 National Environmental Policy Act has been prepared for a
 182 specific activity, use, or project subject to federal
 183 consistency review under this section, the environmental
 184 impact statement or environmental assessment shall be data
 185 and information necessary for the state's consistency review
 186 of that federal activity, use, or project under this section.

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

Between line(s) 6 and 7, insert:

190 amending s. 380.06, F.S.; revising factors for determining
 191 a substantial deviation in developments of regional
 192 impact; amending s. 380.23, F.S.; revising the federally
 193 licensed or permitted activities subject to consistency
 194 review under the coastal management program; requiring
 195 certain environmental impact reports to be data and
 196 information for the state's consistency reviews;

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