

Bill No. SB 2510

Barcode 365462

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Argenziano)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (b) of subsection (19) of section  
380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.--

(19) SUBSTANTIAL DEVIATIONS.--

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

1. An increase in the number of parking spaces at an  
attraction or recreational facility by 5 percent or 300

Bill No. SB 2510

Barcode 365462

1 spaces, whichever is greater, or an increase in the number of  
2 spectators that may be accommodated at such a facility by 5  
3 percent or 1,000 spectators, whichever is greater.

4           2. A new runway, a new terminal facility, a 25-percent  
5 lengthening of an existing runway, or a 25-percent increase in  
6 the number of gates of an existing terminal, but only if the  
7 increase adds at least three additional gates. However, if an  
8 airport is located in two counties, a 10-percent lengthening  
9 of an existing runway or a 20-percent increase in the number  
10 of gates of an existing terminal is the applicable criteria.

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

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

15           5. An increase in the average annual acreage mined by  
16 5 percent or 10 acres, whichever is greater, or an increase in  
17 the average daily water consumption by a mining operation by 5  
18 percent or 300,000 gallons, whichever is greater. An increase  
19 in the size of the mine by 5 percent or 750 acres, whichever  
20 is less. An increase in the size of a mine for heavy minerals  
21 as defined in s. 378.403 constitutes a substantial deviation  
22 only if the average annual acreage mined is more than 500  
23 acres and consumes more than 3 million gallons of water per  
24 day.

25           6. An increase in land area for office development by  
26 5 percent or an increase of gross floor area of office  
27 development by 5 percent or 60,000 gross square feet,  
28 whichever is greater.

29           7. An increase in the storage capacity for chemical or  
30 petroleum storage facilities by 5 percent, 20,000 barrels, or  
31 7 million pounds, whichever is greater.

Bill No. SB 2510

Barcode 365462

1           8. An increase of development at a waterport of wet  
2 storage for 20 watercraft, dry storage for 30 watercraft, or  
3 wet/dry storage for 60 watercraft in an area identified in the  
4 state marina siting plan as an appropriate site for additional  
5 waterport development or a 5-percent increase in watercraft  
6 storage capacity, whichever is greater.

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

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

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

15           12. An increase in a recreational vehicle park area by  
16 5 percent or 100 vehicle spaces, whichever is less.

17           13. A decrease in the area set aside for open space of  
18 5 percent or 20 acres, whichever is less.

19           14. A proposed increase to an approved multiuse  
20 development of regional impact where the sum of the increases  
21 of each land use as a percentage of the applicable substantial  
22 deviation criteria is equal to or exceeds 100 percent. The  
23 percentage of any decrease in the amount of open space shall  
24 be treated as an increase for purposes of determining when 100  
25 percent has been reached or exceeded.

26           15. A 15-percent increase in the number of external  
27 vehicle trips generated by the development above that which  
28 was projected during the original  
29 development-of-regional-impact review.

30           16. Any change which would result in development of  
31 any area which was specifically set aside in the application

Bill No. SB 2510

Barcode 365462

1 for development approval or in the development order for  
 2 preservation or special protection of endangered or threatened  
 3 plants or animals designated as endangered, threatened, or  
 4 species of special concern and their habitat, primary dunes,  
 5 or archaeological and historical sites designated as  
 6 significant by the Division of Historical Resources of the  
 7 Department of State. The further refinement of such areas by  
 8 survey shall be considered under sub-subparagraph (e)5.b.

9  
 10 The substantial deviation numerical standards in subparagraphs  
 11 4., 6., 10., 14., excluding residential uses, and 15., are  
 12 increased by 100 percent for a project certified under s.  
 13 403.973 which creates jobs and meets criteria established by  
 14 the Office of Tourism, Trade, and Economic Development as to  
 15 its impact on an area's economy, employment, and prevailing  
 16 wage and skill levels. The substantial deviation numerical  
 17 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are  
 18 increased by 50 percent for a project located wholly within an  
 19 urban infill and redevelopment area designated on the  
 20 applicable adopted local comprehensive plan future land use  
 21 map and not located within the coastal high hazard area.

22 Section 2. Paragraph (c) of subsection (3) and  
 23 subsection (4) of section 380.23, Florida Statutes, are  
 24 amended to read:

25 380.23 Federal consistency.--

26 (3) Consistency review shall be limited to review of  
 27 the following activities, uses, and projects to ensure that  
 28 such activities and uses are conducted in accordance with the  
 29 state's coastal management program:

30 (c) Federally licensed or permitted activities  
 31 affecting land or water uses when such activities are in or

Bill No. SB 2510

Barcode 365462

1 seaward of the jurisdiction of local governments required to  
2 develop a coastal zone protection element as provided in s.  
3 380.24 and when such activities involve:

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

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

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

13 4. Permits and licenses relating to the transportation  
14 of hazardous substance materials or transportation and dumping  
15 which are issued pursuant to the Hazardous Materials  
16 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or  
17 33 U.S.C. s. 1321, as amended.

18 5. Permits and licenses required under 15 U.S.C. ss.  
19 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C.  
20 ss. 1331-1356 for construction and operation of interstate gas  
21 pipelines and storage facilities.

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

27 7. Permits and licenses required under the Mining Law  
28 of 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral  
29 Lands Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the  
30 Mineral Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et  
31 seq., as amended; the Federal Land Policy and Management Act,

Bill No. SB 2510

Barcode 365462

1 43 U.S.C. ss. 1701 et seq., as amended; the Mining in the  
 2 Parks Act, 16 U.S.C. ss. 1901 et seq., as amended; and the OCS  
 3 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, for  
 4 drilling, ~~and~~ mining, pipelines, geological and geophysical  
 5 activities, or rights-of-way on public lands, and permits and  
 6 licenses required under the Indian Mineral Development Act, 25  
 7 U.S.C. ss. 2101 et seq., as amended.

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

12           ~~9. Permits for pipeline rights-of-way for oil and gas~~  
 13 ~~transmissions.~~

14           ~~9.10.~~ Permits and licenses required for deepwater  
 15 ~~ports~~ under the Deepwater Port Act of 1974, 33 U.S.C. ss. 1501  
 16 et seq. ~~s. 1503~~, as amended.

17           ~~10.11.~~ Permits required for the taking of marine  
 18 mammals under the Marine Mammal Protection Act of 1972, as  
 19 amended, 16 U.S.C. s. 1374.

20           (4) The department is authorized to adopt rules  
 21 establishing procedures for conducting consistency reviews of  
 22 activities, uses, and projects for which consistency review is  
 23 required pursuant to subsections (1), (2), and (3). Such rules  
 24 shall include procedures for the expeditious handling of  
 25 emergency repairs to existing facilities for which consistency  
 26 review is required. The department is also authorized to adopt  
 27 rules prescribing the data and information necessary ~~needed~~  
 28 for state ~~the~~ review of consistency certifications and  
 29 determinations. When an environmental impact statement or  
 30 environmental assessment required by the National  
 31 Environmental Policy Act (NEPA) has been prepared for a

Bill No. SB 2510

Barcode 365462

1 specific activity, use, or project subject to federal  
 2 consistency review under this section, the environmental  
 3 impact statement or environmental assessment shall be data and  
 4 information necessary for the state's consistency review of  
 5 that federal activity, use, or project under this section.

6 Section 3. This act shall take effect upon becoming a  
 7 law.

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15 A bill to be entitled  
 16 An act relating to Land and Water Management;  
 17 amending s. 380.06, F.S.; providing that an  
 18 increase in the size of a mine for heavy  
 19 minerals does not constitute a substantial  
 20 deviation from the development of regional  
 21 impact unless certain criteria are satisfied;  
 22 amending s. 380.23, F.S.; clarifying the list  
 23 of federally licensed and permitted activities  
 24 reviewed for consistency under the Florida  
 25 Coastal Management Program; revising provisions  
 26 relating to the licensing and relicensing of  
 27 hydroelectric power plants; requiring the  
 28 inclusion of National Environmental Policy Act  
 29 (NEPA) documents in consistency reviews for  
 30 certain activities; providing an effective  
 31 date.