

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative M. Davis offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Remove lines 524-555 and insert:

5 380.06 Developments of regional impact.--

6 (19) SUBSTANTIAL DEVIATIONS.--

7 (e)1. Except for a development order rendered pursuant to
8 subsection (22) or subsection (25), a proposed change to a
9 development order that individually or cumulatively with any
10 previous change is less than any numerical criterion contained
11 in subparagraphs (b)1.-13. and does not exceed any other
12 criterion, or that involves an extension of the buildout date of
13 a development, or any phase thereof, of less than 5 years is not
14 subject to the public hearing requirements of subparagraph
15 (f)3., and is not subject to a determination pursuant to
16 subparagraph (f)5. Notice of the proposed change shall be made

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17 to the regional planning council and the state land planning
18 agency. Such notice shall include a description of previous
19 individual changes made to the development, including changes
20 previously approved by the local government, and shall include
21 appropriate amendments to the development order.

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

24 a. Changes in the name of the project, developer, owner,
25 or monitoring official.

26 b. Changes to a setback that do not affect noise buffers,
27 environmental protection or mitigation areas, or archaeological
28 or historical resources.

29 c. Changes to minimum lot sizes.

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

32 e. Changes to the building design or orientation that stay
33 approximately within the approved area designated for such
34 building and parking lot, and which do not affect historical
35 buildings designated as significant by the Division of
36 Historical Resources of the Department of State.

37 f. Changes to increase the acreage in the development,
38 provided that no development is proposed on the acreage to be
39 added.

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

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

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45 i. Any renovation or redevelopment of development within a
46 previously approved development of regional impact which does
47 not change land use or increase density or intensity of use.

48 j. Changes that modify boundaries and configuration of
49 areas described in subparagraph (b)14. due to science-based
50 refinement of such areas by survey, by habitat evaluation, by
51 other recognized assessment methodology, or by an environmental
52 assessment. In order for changes to qualify under this sub-
53 subparagraph, the survey, habitat evaluation, or assessment must
54 occur prior to the time a conservation easement protecting such
55 lands is recorded and must not result in any net decrease in the
56 total acreage of the lands specifically set aside for permanent
57 preservation in the final development order.

58 k.. Changes to permit the sale of owner-occupied affordable
59 housing units to the next higher income qualified class as
60 defined in the development order, provided that the developer
61 has actively marketed the unit for a minimum period of 6 months,
62 is unable to close a sale to a qualified buyer in the targeted
63 income class, the unit has been issued a certificate of
64 occupancy, and sells to a buyer qualified in the next higher
65 income qualified class at a price no greater than the price the
66 unit was originally marketed to the lower income qualified
67 class. This provision shall not be applied to residential units
68 approved pursuant to subparagraph (b)7. or paragraph (i).

69 ~~l.k.~~ Any other change which the state land planning
70 agency, in consultation with the regional planning council,
71 agrees in writing is similar in nature, impact, or character to

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72 | the changes enumerated in sub-subparagraphs a.-j. and which does
73 | not create the likelihood of any additional regional impact.

74 |
75 | This subsection does not require the filing of a notice of
76 | proposed change but shall require an application to the local
77 | government to amend the development order in accordance with the
78 | local government's procedures for amendment of a development
79 | order. In accordance with the local government's procedures,
80 | including requirements for notice to the applicant and the
81 | public, the local government shall either deny the application
82 | for amendment or adopt an amendment to the development order
83 | which approves the application with or without conditions.
84 | Following adoption, the local government shall render to the
85 | state land planning agency the amendment to the development
86 | order. The state land planning agency may appeal, pursuant to s.
87 | 380.07(3), the amendment to the development order if the
88 | amendment involves sub-subparagraph g., sub-subparagraph h.,
89 | sub-subparagraph j., ~~or~~ sub-subparagraph k., or sub-subparagraph
90 | l., and it believes the change creates a reasonable likelihood
91 | of new or additional regional impacts.

92 | 3. Except for the change authorized by sub-subparagraph
93 | 2.f., any addition of land not previously reviewed or any change
94 | not specified in paragraph (b) or paragraph (c) shall be
95 | presumed to create a substantial deviation. This presumption may
96 | be rebutted by clear and convincing evidence.

97 | 4. Any submittal of a proposed change to a previously
98 | approved development shall include a description of individual
99 | changes previously made to the development, including changes
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100 previously approved by the local government. The local
101 government shall consider the previous and current proposed
102 changes in deciding whether such changes cumulatively constitute
103 a substantial deviation requiring further development-of-
104 regional-impact review.

105 5. The following changes to an approved development of
106 regional impact shall be presumed to create a substantial
107 deviation. Such presumption may be rebutted by clear and
108 convincing evidence.

109 a. A change proposed for 15 percent or more of the acreage
110 to a land use not previously approved in the development order.
111 Changes of less than 15 percent shall be presumed not to create
112 a substantial deviation.

113 b. Notwithstanding any provision of paragraph (b) to the
114 contrary, a proposed change consisting of simultaneous increases
115 and decreases of at least two of the uses within an authorized
116 multiuse development of regional impact which was originally
117 approved with three or more uses specified in s. 380.0651(3)(c),
118 (d), (e), and (f) and residential use.

119 (i) An increase in the number of residential dwelling
120 units shall not constitute a substantial deviation and shall not
121 be subject to development-of-regional-impact review for
122 additional impacts, provided that all the residential dwelling
123 units are dedicated to affordable workforce housing and the
124 total number of new residential units does not exceed 200
125 percent of the substantial deviation threshold. The affordable
126 workforce housing shall be subject to a recorded land use
127 restriction that shall be for a period of not less than 20 years

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128 and that includes resale provisions to ensure long-term
129 affordability for income-eligible homeowners and renters. For
130 purposes of this paragraph, the term "affordable workforce
131 housing" means housing that is affordable to a person who earns
132 less than 120 percent of the area median income, or less than
133 140 percent of the area median income if located in a county in
134 which the median purchase price for a single-family existing
135 home exceeds the statewide median purchase price of a single-
136 family existing home. For purposes of this paragraph, the term
137 "statewide median purchase price of a single-family existing
138 home" means the statewide purchase price as determined in the
139 Florida Sales Report, Single-Family Existing Homes, released
140 each January by the Florida Association of Realtors and the
141 University of Florida Real Estate Research Center. The
142 affordable workforce housing units developed in accordance with
143 these provisions which are in close proximity to employment
144 centers, as determined by the local government in accordance
145 with s. 163.3177(6)(a), may be exempted from transportation
146 concurrency regulations of s. 163.3180 and the local government
147 may determine that associated trips do not reduce any
148 transportation trip generation entitlements of the approved
149 development-of-regional-impact development order.

150
151 ===== D I R E C T O R Y A M E N D M E N T =====
152 Remove lines 522-523 and insert:
153 Section 9. Paragraphs (e) and (i) of subsection (19) of
154 section 380.06, Florida Statutes, are amended to read:
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156 ===== T I T L E A M E N D M E N T =====

157 Remove line 36 and insert:

158 amending s. 380.06, F.S.; providing that certain changes to
159 permit the sale of owner-occupied affordable housing units do
160 not constitute a substantial deviation; providing exemptions
161 from