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CHAMBER ACTION

Senate

House

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Floor: 1/AD/2R
4/25/2008 11:35 AM

1 Senator Margolis moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (c) of subsection (19) and subsection
7 (24) of section 380.06, Florida Statutes, are amended to read:

8 380.06 Developments of regional impact.--

9 (19) SUBSTANTIAL DEVIATIONS.--

10 (c) An extension of the date of buildout of a development,
11 or any phase thereof, by more than 7 years is presumed to create
12 a substantial deviation subject to further development-of-
13 regional-impact review. An extension of the date of buildout, or
14 any phase thereof, of more than 5 years but not more than 7 years
15 is presumed not to create a substantial deviation. The extension
16 of the date of buildout of an areawide development of regional
17 impact by more than 5 years but less than 10 years is presumed



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18 not to create a substantial deviation. These presumptions may be
19 rebutted by clear and convincing evidence at the public hearing
20 held by the local government. An extension of 5 years or less is
21 not a substantial deviation. For the purpose of calculating when
22 a buildout or phase date has been exceeded, the time shall be
23 tolled during the pendency of administrative or judicial
24 proceedings relating to development permits. Any extension of the
25 buildout date of a project or a phase thereof shall automatically
26 extend the commencement date of the project, the termination date
27 of the development order, the expiration date of the development
28 of regional impact, and the phases thereof if applicable by a
29 like period of time. In recognition of the 2007 real estate
30 market conditions, all development order phase, buildout,
31 commencement, and expiration dates and all related local
32 government approvals for projects that are developments of
33 regional impact or Florida Quality Developments and under active
34 construction on July 1, 2007, or for which a development order
35 was adopted between January 1, 2006, and July 1, 2007, regardless
36 of whether or not active construction has commenced, are extended
37 for 3 years regardless of any prior extension. The 3-year
38 extension is not a substantial deviation, is not subject to
39 further development-of-regional-impact review, and may not be
40 considered when determining whether a subsequent extension is a
41 substantial deviation under this subsection. This extension also
42 applies to all associated local government approvals, including,
43 but not limited to, agreements, certificates, and permits related
44 to the project.

45 (24) STATUTORY EXEMPTIONS.--

46 (a) Any proposed hospital is exempt from the provisions of
47 this section.



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48 (b) Any proposed electrical transmission line or electrical
49 power plant is exempt from the provisions of this section.

50 (c) Any proposed addition to an existing sports facility
51 complex is exempt from the provisions of this section if the
52 addition meets the following characteristics:

53 1. It would not operate concurrently with the scheduled
54 hours of operation of the existing facility.

55 2. Its seating capacity would be no more than 75 percent of
56 the capacity of the existing facility.

57 3. The sports facility complex property is owned by a
58 public body prior to July 1, 1983.

59
60 This exemption does not apply to any pari-mutuel facility.

61 (d) Any proposed addition or cumulative additions
62 subsequent to July 1, 1988, to an existing sports facility
63 complex owned by a state university is exempt if the increased
64 seating capacity of the complex is no more than 30 percent of the
65 capacity of the existing facility.

66 (e) Any addition of permanent seats or parking spaces for
67 an existing sports facility located on property owned by a public
68 body prior to July 1, 1973, is exempt from the provisions of this
69 section if future additions do not expand existing permanent
70 seating or parking capacity more than 15 percent annually in
71 excess of the prior year's capacity.

72 (f) Any increase in the seating capacity of an existing
73 sports facility having a permanent seating capacity of at least
74 50,000 spectators is exempt from the provisions of this section,
75 provided that such an increase does not increase permanent
76 seating capacity by more than 5 percent per year and not to
77 exceed a total of 10 percent in any 5-year period, and provided



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78 | that the sports facility notifies the appropriate local
79 | government within which the facility is located of the increase
80 | at least 6 months prior to the initial use of the increased
81 | seating, in order to permit the appropriate local government to
82 | develop a traffic management plan for the traffic generated by
83 | the increase. Any traffic management plan shall be consistent
84 | with the local comprehensive plan, the regional policy plan, and
85 | the state comprehensive plan.

86 | (g) Any expansion in the permanent seating capacity or
87 | additional improved parking facilities of an existing sports
88 | facility is exempt from the provisions of this section, if the
89 | following conditions exist:

90 | 1.a. The sports facility had a permanent seating capacity
91 | on January 1, 1991, of at least 41,000 spectator seats;

92 | b. The sum of such expansions in permanent seating capacity
93 | does not exceed a total of 10 percent in any 5-year period and
94 | does not exceed a cumulative total of 20 percent for any such
95 | expansions; or

96 | c. The increase in additional improved parking facilities
97 | is a one-time addition and does not exceed 3,500 parking spaces
98 | serving the sports facility; and

99 | 2. The local government having jurisdiction of the sports
100 | facility includes in the development order or development permit
101 | approving such expansion under this paragraph a finding of fact
102 | that the proposed expansion is consistent with the
103 | transportation, water, sewer and stormwater drainage provisions
104 | of the approved local comprehensive plan and local land
105 | development regulations relating to those provisions.

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107 Any owner or developer who intends to rely on this statutory
108 exemption shall provide to the department a copy of the local
109 government application for a development permit. Within 45 days
110 of receipt of the application, the department shall render to the
111 local government an advisory and nonbinding opinion, in writing,
112 stating whether, in the department's opinion, the prescribed
113 conditions exist for an exemption under this paragraph. The local
114 government shall render the development order approving each such
115 expansion to the department. The owner, developer, or department
116 may appeal the local government development order pursuant to s.
117 380.07, within 45 days after the order is rendered. The scope of
118 review shall be limited to the determination of whether the
119 conditions prescribed in this paragraph exist. If any sports
120 facility expansion undergoes development-of-regional-impact
121 review, all previous expansions which were exempt under this
122 paragraph shall be included in the development-of-regional-impact
123 review.

124 (h) Expansion to port harbors, spoil disposal sites,
125 navigation channels, turning basins, harbor berths, and other
126 related inwater harbor facilities of ports listed in s.
127 403.021(9)(b), port transportation facilities and projects listed
128 in s. 311.07(3)(b), and intermodal transportation facilities
129 identified pursuant to s. 311.09(3) are exempt from the
130 provisions of this section when such expansions, projects, or
131 facilities are consistent with comprehensive master plans that
132 are in compliance with the provisions of s. 163.3178.

133 (i) Any proposed facility for the storage of any petroleum
134 product or any expansion of an existing facility is exempt from
135 the provisions of this section.



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136 (j) Any renovation or redevelopment within the same land
137 parcel which does not change land use or increase density or
138 intensity of use.

139 (k) Waterport and marina development, including dry storage
140 facilities, are exempt from the provisions of this section.

141 (l) Any proposed development within an urban service
142 boundary established under s. 163.3177(14) is exempt from the
143 provisions of this section if the local government having
144 jurisdiction over the area where the development is proposed has
145 adopted the urban service boundary, has entered into a binding
146 agreement with jurisdictions that would be impacted and with the
147 Department of Transportation regarding the mitigation of impacts
148 on state and regional transportation facilities, and has adopted
149 a proportionate share methodology pursuant to s. 163.3180(16).

150 (m) Any proposed development within a rural land
151 stewardship area created under s. 163.3177(11)(d) is exempt from
152 the provisions of this section if the local government that has
153 adopted the rural land stewardship area has entered into a
154 binding agreement with jurisdictions that would be impacted and
155 the Department of Transportation regarding the mitigation of
156 impacts on state and regional transportation facilities, and has
157 adopted a proportionate share methodology pursuant to s.
158 163.3180(16).

159 (n) Any proposed development or redevelopment within an
160 area designated as an urban infill and redevelopment area under
161 s. 163.2517 is exempt from this section if the local government
162 has entered into a binding agreement with jurisdictions that
163 would be impacted and the Department of Transportation regarding
164 the mitigation of impacts on state and regional transportation



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165 facilities, and has adopted a proportionate share methodology
166 pursuant to s. 163.3180(16).

167 (o) The establishment, relocation, or expansion of any
168 military installation as defined in s. 163.3175, is exempt from
169 this section.

170 (p) Any self-storage warehousing that does not allow retail
171 or other services is exempt from this section.

172 (q) Any proposed nursing home or assisted living facility
173 is exempt from this section.

174 (r) Any development identified in an airport master plan
175 and adopted into the comprehensive plan pursuant to s.
176 163.3177(6)(k) is exempt from this section.

177 (s) Any development identified in a campus master plan and
178 adopted pursuant to s. 1013.30 is exempt from this section.

179 (t) Any development in a specific area plan which is
180 prepared pursuant to s. 163.3245 and adopted into the
181 comprehensive plan is exempt from this section.

182 (u) Any development within a county having a population
183 greater than 1.25 million which is proposed for at least two
184 uses, one of which is for use as an office or laboratory
185 appropriate for the research and development of medical
186 technology, biotechnology, or life science applications, is
187 exempt from this section if:

188 1. The land is located in a designated urban infill area or
189 within 5 miles of a state-supported biotechnical research
190 facility or if a local government having jurisdiction recognizes,
191 by resolution, that the land is located in a compact, high-
192 intensity, and high-density multiuse area that is appropriate for
193 intensive growth.



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194 2. The land is located within three-fourths of 1 mile from
195 one or more bus or light rail transit stops.

196 3. The development is registered with the United States
197 Green Building Council and there is an intent to apply for
198 certification of each building under the Leadership in Energy and
199 Environmental Design rating program, or the development is
200 registered by an alternate green building rating system that a
201 local government having jurisdiction finds appropriate, by
202 resolution.

203
204 ~~(v)-(u)~~ Any development within a county with a research and
205 education authority created by special act and that is also
206 within a research and development park that is operated or
207 managed by a research and development authority pursuant to part
208 V of chapter 159 is exempt from this section.

209
210 If a use is exempt from review as a development of regional
211 impact under paragraphs (a)-(u) ~~(a)-(t)~~, but will be part of a
212 larger project that is subject to review as a development of
213 regional impact, the impact of the exempt use must be included in
214 the review of the larger project.

215 Section 2. This act shall take effect July 1, 2008.

216
217 ===== T I T L E A M E N D M E N T =====

218 And the title is amended as follows:

219 Delete everything before the enacting clause
220 and insert:

221 A bill to be entitled
222 An act relating to developments of regional impact;
223 amending s. 380.06, F.S.; revising criteria for extending



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224 application of certain deadline dates and approvals for
225 developments of regional impact; providing an additional
226 statutory exemption for certain developments in certain
227 counties; providing requirements and limitations;
228 providing an effective date.