

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 1706

INTRODUCER: Senator Margolis

SUBJECT: Developments of Regional Impact

DATE: March 17, 2008

REVISED: 03/19/08

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u></u>	<u></u>	<u>CM</u>	<u></u>
3.	<u></u>	<u></u>	<u>TA</u>	<u></u>
4.	<u></u>	<u></u>	<u>HE</u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

I. Summary:

The bill exempts certain developments that include an office or laboratory appropriate for the research and development of medical technology, biotechnology, or life science applications from development-of-regional impact (DRI) review if certain conditions are met.

This bill amends section 380.06 of the Florida Statutes.

II. Present Situation:

Section 380.06, F.S., governs the DRI program and establishes the basic process for DRI review. The DRI program is a vehicle that provides state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one county.¹ For those land uses that are subject to review, numerical thresholds determine whether a specific development is required to undergo DRI review and those thresholds are identified in s. 380.0651, F.S. Examples of the land uses for which guidelines are established include: airports; attractions and recreational facilities; industrial plants and industrial parks; office development; retail and service development; hotel or motel development; recreational vehicle development; multi-use development; residential development; workforce housing; and schools.

The DRI review process involves the regional review of proposed developments meeting the defined thresholds by the regional planning councils to determine the extent to which:

¹ Section 380.06(1), F.S.

- The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans.
- The development will significantly impact adjacent jurisdictions.
- The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.²

Percentage thresholds, as defined in s. 380.06(2)(d), F.S., are applied to the guidelines and standards. These fixed thresholds provide that if a development is below 100% of all numerical thresholds in the guidelines, the project is not required to undergo DRI review. If a development is at or above 120% of the thresholds, it is required to undergo DRI review. A rebuttable presumption is established whereby a development at 100% of a numerical threshold or between 100-120% of a numerical threshold is presumed to require DRI review. Certain projects that create 100 or more jobs are not subject to DRI review.

If there is a concern over whether a particular development is subject to DRI review, the developer may request a determination from the state land planning agency.³ The state land planning agency or the local government with jurisdiction over the land to be used for the proposed development may require a developer to obtain a binding letter of interpretation if the development is at a presumptive threshold or up to 20 percent above the established numerical threshold.⁴ Any other local government may petition the state land planning agency to require a binding letter of interpretation for a development located in an adjacent jurisdiction if the petition contains sufficient facts to find that the development as proposed constitutes a DRI.

Subsection (24) of s. 380.06, F.S., exempts a number of land uses from review as a DRI. Those land uses include: hospitals; electrical transmission lines; certain sports facility complexes owned by state universities; certain sports facilities with a seating capacity of at least 50,000; certain parking facilities at sports facilities; certain port uses and port transportation facilities; petroleum storage facilities; renovation or redevelopment on the same parcel which does not change the land use or increase the density or intensity; waterport and marina development, including dry storage; certain development within rural land stewardship areas; development or redevelopment within certain designated urban infill and redevelopment areas; establishment, relocation, or expansion of military installations; self-storage warehousing; nursing homes and assisted-living facilities; development in an airport master plan, campus master plan, or special area plan; and any development in a county with a research and education authority created by special act and that is also within a research and development park operated or managed by a research development authority under part V of ch. 159, F.S.

III. Effect of Proposed Changes:

Section 380.06(24), F.S., is amended to exempt certain development from review as a DRI if one of at least two proposed land uses within the development is for an office or laboratory appropriate for the research and development of medical technology, biotechnology, or life science applications. The development must also satisfy the following:

² S. 380.06(12)(a), F.S.

³ S. 380.06(4)(a), F. S.

⁴ S. 380.06(4)(b), F.S.

- The development must be located within a county having a population greater than 1.5 million.
- The land is located in a designated urban infill area or the local government adopts a resolution recognizing the land is located in a compact, high-intensity, and high density multi-use area.
- The land is located within three-fourths of one mile from one or more bus or light rail transit stops.
- The development is registered with the United States Green Building Council and there is an intent to apply for certification of each building under the Leadership in Energy and Environmental Design program, or the development is registered by an alternate green building rating system that the local government approves by resolution.

The bill takes effect July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article III, s. 10 of the Florida Constitution, allows passage of a special law only if notice has been published according to general law or the special law becomes effective upon approval of the voters in the affected area. Further, Article III, s. 11 of the Florida Constitution, provides that in the enactment of general laws, political subdivisions or other governmental entities may only be classified on a basis that is reasonably related to the subject of the law. A law that operates uniformly within a permissible classification is a general law and the Legislature has wide discretion in establishing statutory classification schemes.⁵ A legislative enactment is a general law if:

- The classification scheme is open so that other localities could fall within the classification system; and
- The classification bears a reasonable nexus to the subject matter and public purpose to be served, is based on differences that are peculiar to the class, and is not arbitrary.⁶

⁵ See *City of Miami v. McGrath*, 824 So. 2d 143, 148 (Fla. 2002), citing *State ex rel. Landis v. Harris*, 163 So. 237 (Fla. 1934) and *Shelton v. Reeder*, 121 So. 2d 145 (Fla. 1960), respectively.

⁶ *Lewis v. Mathis*, 345 So. 2d 1066, 1068 (Fla. 1977).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This bill exempts certain development from review as a DRI which can be a lengthy process and, thus, it should result in a cost savings to the developer.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Currently, Miami-Dade and Broward counties have populations greater than 1.5 million.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.