

By Senator Margolis

35-03280-08

20081706__

1 A bill to be entitled
2 An act relating to developments of regional impact;
3 amending s. 380.06, F.S.; exempting proposed developments
4 involving medical technology, biotechnology, or life
5 sciences which meet certain criteria from review as a
6 development of regional impact; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsection (24) of section 380.06, Florida
12 Statutes, is amended to read:

13 380.06 Developments of regional impact.--

14 (24) STATUTORY EXEMPTIONS.--

15 (a) Any proposed hospital is exempt from the provisions of
16 this section.

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

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

22 1. It would not operate concurrently with the scheduled
23 hours of operation of the existing facility.

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

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

28
29 This exemption does not apply to any pari-mutuel facility.

35-03280-08

20081706__

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

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

41 (f) Any increase in the seating capacity of an existing
42 sports facility having a permanent seating capacity of at least
43 50,000 spectators is exempt from the provisions of this section,
44 provided that such an increase does not increase permanent
45 seating capacity by more than 5 percent per year and not to
46 exceed a total of 10 percent in any 5-year period, and provided
47 that the sports facility notifies the appropriate local
48 government within which the facility is located of the increase
49 at least 6 months prior to the initial use of the increased
50 seating, in order to permit the appropriate local government to
51 develop a traffic management plan for the traffic generated by
52 the increase. Any traffic management plan shall be consistent
53 with the local comprehensive plan, the regional policy plan, and
54 the state comprehensive plan.

55 (g) Any expansion in the permanent seating capacity or
56 additional improved parking facilities of an existing sports
57 facility is exempt from the provisions of this section, if the
58 following conditions exist:

35-03280-08

20081706__

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

61 b. The sum of such expansions in permanent seating capacity
62 does not exceed a total of 10 percent in any 5-year period and
63 does not exceed a cumulative total of 20 percent for any such
64 expansions; or

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

68 2. The local government having jurisdiction of the sports
69 facility includes in the development order or development permit
70 approving such expansion under this paragraph a finding of fact
71 that the proposed expansion is consistent with the
72 transportation, water, sewer and stormwater drainage provisions
73 of the approved local comprehensive plan and local land
74 development regulations relating to those provisions.

75
76 Any owner or developer who intends to rely on this statutory
77 exemption shall provide to the department a copy of the local
78 government application for a development permit. Within 45 days
79 of receipt of the application, the department shall render to the
80 local government an advisory and nonbinding opinion, in writing,
81 stating whether, in the department's opinion, the prescribed
82 conditions exist for an exemption under this paragraph. The local
83 government shall render the development order approving each such
84 expansion to the department. The owner, developer, or department
85 may appeal the local government development order pursuant to s.
86 380.07, within 45 days after the order is rendered. The scope of
87 review shall be limited to the determination of whether the

35-03280-08

20081706__

88 conditions prescribed in this paragraph exist. If any sports
89 facility expansion undergoes development-of-regional-impact
90 review, all previous expansions which were exempt under this
91 paragraph shall be included in the development-of-regional-impact
92 review.

93 (h) Expansion to port harbors, spoil disposal sites,
94 navigation channels, turning basins, harbor berths, and other
95 related inwater harbor facilities of ports listed in s.
96 403.021(9)(b), port transportation facilities and projects listed
97 in s. 311.07(3)(b), and intermodal transportation facilities
98 identified pursuant to s. 311.09(3) are exempt from the
99 provisions of this section when such expansions, projects, or
100 facilities are consistent with comprehensive master plans that
101 are in compliance with the provisions of s. 163.3178.

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

105 (j) Any renovation or redevelopment within the same land
106 parcel which does not change land use or increase density or
107 intensity of use.

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

110 (l) Any proposed development within an urban service
111 boundary established under s. 163.3177(14) is exempt from the
112 provisions of this section if the local government having
113 jurisdiction over the area where the development is proposed has
114 adopted the urban service boundary, has entered into a binding
115 agreement with jurisdictions that would be impacted and with the
116 Department of Transportation regarding the mitigation of impacts

35-03280-08

20081706__

117 on state and regional transportation facilities, and has adopted
118 a proportionate share methodology pursuant to s. 163.3180(16).

119 (m) Any proposed development within a rural land
120 stewardship area created under s. 163.3177(11)(d) is exempt from
121 the provisions of this section if the local government that has
122 adopted the rural land stewardship area has entered into a
123 binding agreement with jurisdictions that would be impacted and
124 the Department of Transportation regarding the mitigation of
125 impacts on state and regional transportation facilities, and has
126 adopted a proportionate share methodology pursuant to s.
127 163.3180(16).

128 (n) Any proposed development or redevelopment within an
129 area designated as an urban infill and redevelopment area under
130 s. 163.2517 is exempt from this section if the local government
131 has entered into a binding agreement with jurisdictions that
132 would be impacted and the Department of Transportation regarding
133 the mitigation of impacts on state and regional transportation
134 facilities, and has adopted a proportionate share methodology
135 pursuant to s. 163.3180(16).

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

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

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

143 (r) Any development identified in an airport master plan
144 and adopted into the comprehensive plan pursuant to s.
145 163.3177(6)(k) is exempt from this section.

35-03280-08

20081706__

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

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

151 (u) Any development within a county with a research and
152 education authority created by special act and that is also
153 within a research and development park that is operated or
154 managed by a research and development authority pursuant to part
155 V of chapter 159 is exempt from this section.

156 (v) Any development within a county having a population
157 greater than 1.5 million which is proposed for at least two uses,
158 one of which is for use as an office or laboratory appropriate
159 for the research and development of medical technology,
160 biotechnology, or life science applications, is exempt from this
161 section if:

162 1. The land is located in a designated urban infill area or
163 if a local government having jurisdiction recognizes, by
164 resolution, that the land is located in a compact, high-
165 intensity, and high-density multiuse area that is appropriate for
166 intensive growth;

167 2. The land is located within three-fourths of 1 mile from
168 one or more bus or light rail transit stops; and

169 3. The development is registered with the United States
170 Green Building Council and there is an intent to apply for
171 certification of each building under the Leadership in Energy and
172 Environmental Design rating program, or the development is
173 registered by an alternate green building rating system that a

35-03280-08

20081706__

174 local government having jurisdiction finds appropriate, by
175 resolution.

176

177 If a use is exempt from review as a development of regional
178 impact under paragraphs (a)-(u) ~~(a)-(t)~~, but will be part of a
179 larger project that is subject to review as a development of
180 regional impact, the impact of the exempt use must be included in
181 the review of the larger project.

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