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1
2 An act relating to developments of regional impact;
3 amending s. 380.06, F.S.; revising criteria for extending
4 application of certain deadline dates and approvals for
5 developments of regional impact; providing an additional
6 statutory exemption for certain developments in certain
7 counties; providing requirements and limitations;
8 providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

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

14 380.06 Developments of regional impact.--

15 (19) SUBSTANTIAL DEVIATIONS.--

16 (c) An extension of the date of buildout of a development,
17 or any phase thereof, by more than 7 years is presumed to create
18 a substantial deviation subject to further development-of-
19 regional-impact review. An extension of the date of buildout, or
20 any phase thereof, of more than 5 years but not more than 7 years
21 is presumed not to create a substantial deviation. The extension
22 of the date of buildout of an areawide development of regional
23 impact by more than 5 years but less than 10 years is presumed
24 not to create a substantial deviation. These presumptions may be
25 rebutted by clear and convincing evidence at the public hearing
26 held by the local government. An extension of 5 years or less is
27 not a substantial deviation. For the purpose of calculating when
28 a buildout or phase date has been exceeded, the time shall be
29 tolled during the pendency of administrative or judicial

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30 | proceedings relating to development permits. Any extension of the
31 | buildout date of a project or a phase thereof shall automatically
32 | extend the commencement date of the project, the termination date
33 | of the development order, the expiration date of the development
34 | of regional impact, and the phases thereof if applicable by a
35 | like period of time. In recognition of the 2007 real estate
36 | market conditions, all development order phase, buildout,
37 | commencement, and expiration dates and all related local
38 | government approvals for projects that are developments of
39 | regional impact or Florida Quality Developments and under active
40 | construction on July 1, 2007, or for which a development order
41 | was adopted between January 1, 2006, and July 1, 2007, regardless
42 | of whether or not active construction has commenced, are extended
43 | for 3 years regardless of any prior extension. The 3-year
44 | extension is not a substantial deviation, is not subject to
45 | further development-of-regional-impact review, and may not be
46 | considered when determining whether a subsequent extension is a
47 | substantial deviation under this subsection. This extension also
48 | applies to all associated local government approvals, including,
49 | but not limited to, agreements, certificates, and permits related
50 | to the project.

51 | (24) STATUTORY EXEMPTIONS.--

52 | (a) Any proposed hospital is exempt from the provisions of
53 | this section.

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

56 | (c) Any proposed addition to an existing sports facility
57 | complex is exempt from the provisions of this section if the
58 | addition meets the following characteristics:

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59 | 1. It would not operate concurrently with the scheduled
60 | hours of operation of the existing facility.

61 | 2. Its seating capacity would be no more than 75 percent of
62 | the capacity of the existing facility.

63 | 3. The sports facility complex property is owned by a
64 | public body prior to July 1, 1983.

65 |
66 | This exemption does not apply to any pari-mutuel facility.

67 | (d) Any proposed addition or cumulative additions
68 | subsequent to July 1, 1988, to an existing sports facility
69 | complex owned by a state university is exempt if the increased
70 | seating capacity of the complex is no more than 30 percent of the
71 | capacity of the existing facility.

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

78 | (f) Any increase in the seating capacity of an existing
79 | sports facility having a permanent seating capacity of at least
80 | 50,000 spectators is exempt from the provisions of this section,
81 | provided that such an increase does not increase permanent
82 | seating capacity by more than 5 percent per year and not to
83 | exceed a total of 10 percent in any 5-year period, and provided
84 | that the sports facility notifies the appropriate local
85 | government within which the facility is located of the increase
86 | at least 6 months prior to the initial use of the increased
87 | seating, in order to permit the appropriate local government to

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88 | develop a traffic management plan for the traffic generated by
89 | the increase. Any traffic management plan shall be consistent
90 | with the local comprehensive plan, the regional policy plan, and
91 | the state comprehensive plan.

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

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

98 | b. The sum of such expansions in permanent seating capacity
99 | does not exceed a total of 10 percent in any 5-year period and
100 | does not exceed a cumulative total of 20 percent for any such
101 | expansions; or

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

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

112 |
113 | Any owner or developer who intends to rely on this statutory
114 | exemption shall provide to the department a copy of the local
115 | government application for a development permit. Within 45 days
116 | of receipt of the application, the department shall render to the

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117 | local government an advisory and nonbinding opinion, in writing,
118 | stating whether, in the department's opinion, the prescribed
119 | conditions exist for an exemption under this paragraph. The local
120 | government shall render the development order approving each such
121 | expansion to the department. The owner, developer, or department
122 | may appeal the local government development order pursuant to s.
123 | 380.07, within 45 days after the order is rendered. The scope of
124 | review shall be limited to the determination of whether the
125 | conditions prescribed in this paragraph exist. If any sports
126 | facility expansion undergoes development-of-regional-impact
127 | review, all previous expansions which were exempt under this
128 | paragraph shall be included in the development-of-regional-impact
129 | review.

130 | (h) Expansion to port harbors, spoil disposal sites,
131 | navigation channels, turning basins, harbor berths, and other
132 | related inwater harbor facilities of ports listed in s.
133 | 403.021(9)(b), port transportation facilities and projects listed
134 | in s. 311.07(3)(b), and intermodal transportation facilities
135 | identified pursuant to s. 311.09(3) are exempt from the
136 | provisions of this section when such expansions, projects, or
137 | facilities are consistent with comprehensive master plans that
138 | are in compliance with the provisions of s. 163.3178.

139 | (i) Any proposed facility for the storage of any petroleum
140 | product or any expansion of an existing facility is exempt from
141 | the provisions of this section.

142 | (j) Any renovation or redevelopment within the same land
143 | parcel which does not change land use or increase density or
144 | intensity of use.

145 | (k) Waterport and marina development, including dry storage

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146 facilities, are exempt from the provisions of this section.

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

156 (m) Any proposed development within a rural land
157 stewardship area created under s. 163.3177(11)(d) is exempt from
158 the provisions of this section if the local government that has
159 adopted the rural land stewardship area has entered into a
160 binding agreement with jurisdictions that would be impacted and
161 the Department of Transportation regarding the mitigation of
162 impacts on state and regional transportation facilities, and has
163 adopted a proportionate share methodology pursuant to s.
164 163.3180(16).

165 (n) Any proposed development or redevelopment within an
166 area designated as an urban infill and redevelopment area under
167 s. 163.2517 is exempt from this section if the local government
168 has entered into a binding agreement with jurisdictions that
169 would be impacted and the Department of Transportation regarding
170 the mitigation of impacts on state and regional transportation
171 facilities, and has adopted a proportionate share methodology
172 pursuant to s. 163.3180(16).

173 (o) The establishment, relocation, or expansion of any
174 military installation as defined in s. 163.3175, is exempt from

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175 | this section.

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

178 | (q) Any proposed nursing home or assisted living facility
179 | is exempt from this section.

180 | (r) Any development identified in an airport master plan
181 | and adopted into the comprehensive plan pursuant to s.
182 | 163.3177(6)(k) is exempt from this section.

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

185 | (t) Any development in a specific area plan which is
186 | prepared pursuant to s. 163.3245 and adopted into the
187 | comprehensive plan is exempt from this section.

188 | (u) Any development within a county having a population
189 | greater than 1.25 million which is proposed for at least two
190 | uses, one of which is for use as an office or laboratory
191 | appropriate for the research and development of medical
192 | technology, biotechnology, or life science applications, is
193 | exempt from this section if:

194 | 1. The land is located in a designated urban infill area or
195 | within 5 miles of a state-supported biotechnical research
196 | facility or if a local government having jurisdiction recognizes,
197 | by resolution, that the land is located in a compact, high-
198 | intensity, and high-density multiuse area that is appropriate for
199 | intensive growth.

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

202 | 3. The development is registered with the United States
203 | Green Building Council and there is an intent to apply for

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204 certification of each building under the Leadership in Energy and
205 Environmental Design rating program, or the development is
206 registered by an alternate green building rating system that a
207 local government having jurisdiction finds appropriate, by
208 resolution.

209 (v)~~(u)~~ Any development within a county with a research and
210 education authority created by special act and that is also
211 within a research and development park that is operated or
212 managed by a research and development authority pursuant to part
213 V of chapter 159 is exempt from this section.

214
215 If a use is exempt from review as a development of regional
216 impact under paragraphs (a)-(u) ~~(a)-(t)~~, but will be part of a
217 larger project that is subject to review as a development of
218 regional impact, the impact of the exempt use must be included in
219 the review of the larger project.

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