

HB 911

2008

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:

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 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
 18 electrical power plant is exempt from the provisions of this
 19 section.

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

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

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

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

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

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

76
77 Any owner or developer who intends to rely on this statutory
78 exemption shall provide to the department a copy of the local
79 government application for a development permit. Within 45 days
80 of receipt of the application, the department shall render to
81 the local government an advisory and nonbinding opinion, in
82 writing, stating whether, in the department's opinion, the
83 prescribed conditions exist for an exemption under this

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84 paragraph. The local government shall render the development
85 order approving each such expansion to the department. The
86 owner, developer, or department may appeal the local government
87 development order pursuant to s. 380.07, within 45 days after
88 the order is rendered. The scope of review shall be limited to
89 the determination of whether the conditions prescribed in this
90 paragraph exist. If any sports facility expansion undergoes
91 development-of-regional-impact review, all previous expansions
92 which were exempt under this paragraph shall be included in the
93 development-of-regional-impact review.

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

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

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

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

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112 (l) Any proposed development within an urban service
113 boundary established under s. 163.3177(14) is exempt from the
114 provisions of this section if the local government having
115 jurisdiction over the area where the development is proposed has
116 adopted the urban service boundary, has entered into a binding
117 agreement with jurisdictions that would be impacted and with the
118 Department of Transportation regarding the mitigation of impacts
119 on state and regional transportation facilities, and has adopted
120 a proportionate share methodology pursuant to s. 163.3180(16).

121 (m) Any proposed development within a rural land
122 stewardship area created under s. 163.3177(11)(d) is exempt from
123 the provisions of this section if the local government that has
124 adopted the rural land stewardship area has entered into a
125 binding agreement with jurisdictions that would be impacted and
126 the Department of Transportation regarding the mitigation of
127 impacts on state and regional transportation facilities, and has
128 adopted a proportionate share methodology pursuant to s.
129 163.3180(16).

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

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

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

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

145 (r) Any development identified in an airport master plan
146 and adopted into the comprehensive plan pursuant to s.
147 163.3177(6)(k) is exempt from this section.

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

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

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

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

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

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

173 (v)~~(u)~~ Any development within a county with a research and
174 education authority created by special act and that is also
175 within a research and development park that is operated or
176 managed by a research and development authority pursuant to part
177 V of chapter 159 is exempt from this section.

178

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

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