

1 A bill to be entitled
 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.

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

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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
 21 years is presumed not to create a substantial deviation. The
 22 extension of the date of buildout of an areawide development of
 23 regional impact by more than 5 years but less than 10 years is
 24 presumed not to create a substantial deviation. These
 25 presumptions may be rebutted by clear and convincing evidence at
 26 the public hearing held by the local government. An extension of
 27 5 years or less is not a substantial deviation. For the purpose
 28 of calculating when a buildout or phase date has been exceeded,

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

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

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

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

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

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

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

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

79 (f) Any increase in the seating capacity of an existing
80 sports facility having a permanent seating capacity of at least
81 50,000 spectators is exempt from the provisions of this section,
82 provided that such an increase does not increase permanent
83 seating capacity by more than 5 percent per year and not to
84 exceed a total of 10 percent in any 5-year period, and provided

85 that the sports facility notifies the appropriate local
86 government within which the facility is located of the increase
87 at least 6 months prior to the initial use of the increased
88 seating, in order to permit the appropriate local government to
89 develop a traffic management plan for the traffic generated by
90 the increase. Any traffic management plan shall be consistent
91 with the local comprehensive plan, the regional policy plan, and
92 the state comprehensive plan.

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

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

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

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

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

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

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

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

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

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

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

158 (m) Any proposed development within a rural land
159 stewardship area created under s. 163.3177(11)(d) is exempt from
160 the provisions of this section if the local government that has
161 adopted the rural land stewardship area has entered into a
162 binding agreement with jurisdictions that would be impacted and
163 the Department of Transportation regarding the mitigation of
164 impacts on state and regional transportation facilities, and has
165 adopted a proportionate share methodology pursuant to s.
166 163.3180(16).

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

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

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

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

182 (r) Any development identified in an airport master plan
183 and adopted into the comprehensive plan pursuant to s.
184 163.3177(6)(k) is exempt from this section.

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

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

190 (u) Any development within a county having a population
191 greater than 1.25 million which is proposed for at least two
192 uses, one of which is for use as an office or laboratory
193 appropriate for the research and development of medical

194 technology, biotechnology, or life science applications, is
 195 exempt from this section if:

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

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

204 3. The development is registered with the United States
 205 Green Building Council and there is an intent to apply for
 206 certification of each building under the Leadership in Energy
 207 and Environmental Design rating program, or the development is
 208 registered by an alternate green building rating system that a
 209 local government having jurisdiction finds appropriate, by
 210 resolution.

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

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

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