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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/14/2009 | . | |
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The Committee on Transportation (Dockery) recommended the following:

Senate Amendment (with title amendment)

Between lines 27 and 28
insert:

Section 2. Subsection (24) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

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

(b) Any proposed electrical transmission line or electrical



365024

12 power plant is exempt from the provisions of this section.

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

16 1. It would not operate concurrently with the scheduled
17 hours of operation of the existing facility.

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

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

22
23 This exemption does not apply to any pari-mutuel facility.

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

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

35 (f) Any increase in the seating capacity of an existing
36 sports facility having a permanent seating capacity of at least
37 50,000 spectators is exempt from the provisions of this section,
38 provided that such an increase does not increase permanent
39 seating capacity by more than 5 percent per year and not to
40 exceed a total of 10 percent in any 5-year period, and provided



365024

41 that the sports facility notifies the appropriate local
42 government within which the facility is located of the increase
43 at least 6 months prior to the initial use of the increased
44 seating, in order to permit the appropriate local government to
45 develop a traffic management plan for the traffic generated by
46 the increase. Any traffic management plan shall be consistent
47 with the local comprehensive plan, the regional policy plan, and
48 the state comprehensive plan.

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

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

55 b. The sum of such expansions in permanent seating capacity
56 does not exceed a total of 10 percent in any 5-year period and
57 does not exceed a cumulative total of 20 percent for any such
58 expansions; or

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

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

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365024

70 Any owner or developer who intends to rely on this statutory
71 exemption shall provide to the department a copy of the local
72 government application for a development permit. Within 45 days
73 of receipt of the application, the department shall render to
74 the local government an advisory and nonbinding opinion, in
75 writing, stating whether, in the department's opinion, the
76 prescribed conditions exist for an exemption under this
77 paragraph. The local government shall render the development
78 order approving each such expansion to the department. The
79 owner, developer, or department may appeal the local government
80 development order pursuant to s. 380.07, within 45 days after
81 the order is rendered. The scope of review shall be limited to
82 the determination of whether the conditions prescribed in this
83 paragraph exist. If any sports facility expansion undergoes
84 development-of-regional-impact review, all previous expansions
85 which were exempt under this paragraph shall be included in the
86 development-of-regional-impact review.

87 (h) Expansion to port harbors, spoil disposal sites,
88 navigation channels, turning basins, harbor berths, and other
89 related inwater harbor facilities of ports listed in s.
90 403.021(9)(b), port transportation facilities and projects
91 listed in s. 311.07(3)(b), and intermodal transportation
92 facilities identified pursuant to s. 311.09(3) are exempt from
93 the provisions of this section when such expansions, projects,
94 or facilities are consistent with comprehensive master plans
95 that are in compliance with the provisions of s. 163.3178.

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



365024

99 (j) Any renovation or redevelopment within the same land
100 parcel which does not change land use or increase density or
101 intensity of use.

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

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

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

122 (n) Any proposed development or redevelopment within an
123 area designated as an urban infill and redevelopment area under
124 s. 163.2517 is exempt from this section if the local government
125 has entered into a binding agreement with jurisdictions that
126 would be impacted and the Department of Transportation regarding
127 the mitigation of impacts on state and regional transportation



365024

128 facilities, and has adopted a proportionate share methodology
129 pursuant to s. 163.3180(16).

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

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

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

137 (r) Any development identified in an airport master plan
138 and adopted into the comprehensive plan pursuant to s.
139 163.3177(6)(k) is exempt from this section.

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

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

145 (u) Any development within a county with a research and
146 education authority created by special act and that is also
147 within a research and development park that is operated or
148 managed by a research and development authority pursuant to part
149 V of chapter 159 is exempt from this section.

150
151 If a use is exempt from review as a development of regional
152 impact under paragraphs (a)-(t), but will be part of a larger
153 project that is subject to review as a development of regional
154 impact, the impact of the exempt use must be included in the
155 review of the larger project, unless such exempt use involves a
156 development of regional impact in which the landowner, tenant,



365024

157 or user has entered into an funding agreement with the Office of
158 Tourism, Trade, and Economic Development under the Innovation
159 Incentive Program and the agreement contemplates a state award
160 of at least \$50 million.

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162 ===== T I T L E A M E N D M E N T =====

163 And the title is amended as follows:

164 Delete lines 2 - 6

165 and insert:

166 An act relating to developments of regional impact;
167 amending s. 163.3178, F.S.; including certain port-
168 related industrial or commercial project facilities
169 within the list of facilities that are not
170 developments of regional impact under certain
171 circumstances; amending s. 380.06, F.S.; providing
172 that certain exempt uses that are part of a larger
173 project that is subject to development-of-regional-
174 impact review are exempt from such review under
175 certain circumstances; providing