

By the Committee on Transportation; and Senator Bennett

596-04982-09

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1 A bill to be entitled

2 An act relating to developments of regional impact;  
3 amending s. 163.3178, F.S.; including certain port-  
4 related industrial or commercial project facilities  
5 within the list of facilities that are not  
6 developments of regional impact under certain  
7 circumstances; amending s. 380.06, F.S.; providing  
8 that certain exempt uses that are part of a larger  
9 project that is subject to development-of-regional-  
10 impact review are exempt from such review under  
11 certain circumstances; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

15 Section 1. Subsection (3) of section 163.3178, Florida  
16 Statutes, is amended to read:

17 163.3178 Coastal management.—

18 (3) Expansions to port harbors, spoil disposal sites,  
19 navigation channels, turning basins, harbor berths, and other  
20 related inwater harbor facilities of ports listed in s.  
21 403.021(9); port transportation facilities and projects listed  
22 in s. 311.07(3)(b); ~~and~~ intermodal transportation facilities  
23 identified pursuant to s. 311.09(3); and facilities determined  
24 by the Department of Community Affairs and the applicable  
25 general-purpose government to be port-related industrial or  
26 commercial projects that are located within or within 3 miles of  
27 a port master plan area and that rely upon the use of port and  
28 intermodal transportation facilities shall not be developments  
29 of regional impact where such expansions, projects, or

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30 facilities are consistent with comprehensive master plans that  
31 are in compliance with this section.

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

34 380.06 Developments of regional impact.—

35 (24) STATUTORY EXEMPTIONS.—

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

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

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

43 1. It would not operate concurrently with the scheduled  
44 hours of operation of the existing facility.

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

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

49

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

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

56 (e) Any addition of permanent seats or parking spaces for  
57 an existing sports facility located on property owned by a  
58 public body prior to July 1, 1973, is exempt from the provisions

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59 of this section if future additions do not expand existing  
60 permanent seating or parking capacity more than 15 percent  
61 annually in excess of the prior year's capacity.

62 (f) Any increase in the seating capacity of an existing  
63 sports facility having a permanent seating capacity of at least  
64 50,000 spectators is exempt from the provisions of this section,  
65 provided that such an increase does not increase permanent  
66 seating capacity by more than 5 percent per year and not to  
67 exceed a total of 10 percent in any 5-year period, and provided  
68 that the sports facility notifies the appropriate local  
69 government within which the facility is located of the increase  
70 at least 6 months prior to the initial use of the increased  
71 seating, in order to permit the appropriate local government to  
72 develop a traffic management plan for the traffic generated by  
73 the increase. Any traffic management plan shall be consistent  
74 with the local comprehensive plan, the regional policy plan, and  
75 the state comprehensive plan.

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

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

82 b. The sum of such expansions in permanent seating capacity  
83 does not exceed a total of 10 percent in any 5-year period and  
84 does not exceed a cumulative total of 20 percent for any such  
85 expansions; or

86 c. The increase in additional improved parking facilities  
87 is a one-time addition and does not exceed 3,500 parking spaces

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88 serving the sports facility; and

89         2. The local government having jurisdiction of the sports  
90 facility includes in the development order or development permit  
91 approving such expansion under this paragraph a finding of fact  
92 that the proposed expansion is consistent with the  
93 transportation, water, sewer and stormwater drainage provisions  
94 of the approved local comprehensive plan and local land  
95 development regulations relating to those provisions.

96  
97 Any owner or developer who intends to rely on this statutory  
98 exemption shall provide to the department a copy of the local  
99 government application for a development permit. Within 45 days  
100 of receipt of the application, the department shall render to  
101 the local government an advisory and nonbinding opinion, in  
102 writing, stating whether, in the department's opinion, the  
103 prescribed conditions exist for an exemption under this  
104 paragraph. The local government shall render the development  
105 order approving each such expansion to the department. The  
106 owner, developer, or department may appeal the local government  
107 development order pursuant to s. 380.07, within 45 days after  
108 the order is rendered. The scope of review shall be limited to  
109 the determination of whether the conditions prescribed in this  
110 paragraph exist. If any sports facility expansion undergoes  
111 development-of-regional-impact review, all previous expansions  
112 which were exempt under this paragraph shall be included in the  
113 development-of-regional-impact review.

114         (h) Expansion to port harbors, spoil disposal sites,  
115 navigation channels, turning basins, harbor berths, and other  
116 related inwater harbor facilities of ports listed in s.

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117 403.021(9)(b), port transportation facilities and projects  
118 listed in s. 311.07(3)(b), and intermodal transportation  
119 facilities identified pursuant to s. 311.09(3) are exempt from  
120 the provisions of this section when such expansions, projects,  
121 or facilities are consistent with comprehensive master plans  
122 that are in compliance with the provisions of s. 163.3178.

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

126 (j) Any renovation or redevelopment within the same land  
127 parcel which does not change land use or increase density or  
128 intensity of use.

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

131 (l) Any proposed development within an urban service  
132 boundary established under s. 163.3177(14) is exempt from the  
133 provisions of this section if the local government having  
134 jurisdiction over the area where the development is proposed has  
135 adopted the urban service boundary, has entered into a binding  
136 agreement with jurisdictions that would be impacted and with the  
137 Department of Transportation regarding the mitigation of impacts  
138 on state and regional transportation facilities, and has adopted  
139 a proportionate share methodology pursuant to s. 163.3180(16).

140 (m) Any proposed development within a rural land  
141 stewardship area created under s. 163.3177(11)(d) is exempt from  
142 the provisions of this section if the local government that has  
143 adopted the rural land stewardship area has entered into a  
144 binding agreement with jurisdictions that would be impacted and  
145 the Department of Transportation regarding the mitigation of

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146 impacts on state and regional transportation facilities, and has  
147 adopted a proportionate share methodology pursuant to s.  
148 163.3180(16).

149 (n) Any proposed development or redevelopment within an  
150 area designated as an urban infill and redevelopment area under  
151 s. 163.2517 is exempt from this section if the local government  
152 has entered into a binding agreement with jurisdictions that  
153 would be impacted and the Department of Transportation regarding  
154 the mitigation of impacts on state and regional transportation  
155 facilities, and has adopted a proportionate share methodology  
156 pursuant to s. 163.3180(16).

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

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

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

164 (r) Any development identified in an airport master plan  
165 and adopted into the comprehensive plan pursuant to s.  
166 163.3177(6)(k) is exempt from this section.

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

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

172 (u) Any development within a county with a research and  
173 education authority created by special act and that is also  
174 within a research and development park that is operated or

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175 managed by a research and development authority pursuant to part  
176 V of chapter 159 is exempt from this section.

177

178 If a use is exempt from review as a development of regional  
179 impact under paragraphs (a)-(t), but will be part of a larger  
180 project that is subject to review as a development of regional  
181 impact, the impact of the exempt use must be included in the  
182 review of the larger project, unless such exempt use involves a  
183 development of regional impact in which the landowner, tenant,  
184 or user has entered into an funding agreement with the Office of  
185 Tourism, Trade, and Economic Development under the Innovation  
186 Incentive Program and the agreement contemplates a state award  
187 of at least \$50 million.

188 Section 3. This act shall take effect July 1, 2009.