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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2018	.	
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The Committee on Community Affairs (Lee) recommended the following:

Senate Amendment

Delete lines 3038 - 3187
and insert:

Any owner or developer who intends to rely on this statutory exemption shall provide to the state land planning agency a copy of the local government application for a development permit. Within 45 days after receipt of the application, the state land



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11 planning agency shall render to the local government an advisory
12 and nonbinding opinion, in writing, stating whether, in the
13 state land planning agency's opinion, the prescribed conditions
14 exist for an exemption under this paragraph. The local
15 government shall render the development order approving each
16 such expansion to the state land planning agency. The owner,
17 developer, or state land planning agency may appeal the local
18 government development order pursuant to s. 380.07 within 45
19 days after the order is rendered. The scope of review shall be
20 limited to the determination of whether the conditions
21 prescribed in this paragraph exist. If any sports facility
22 expansion undergoes development-of-regional-impact review, all
23 previous expansions that were exempt under this paragraph must
24 be included in the development-of-regional-impact review.

25 (h) Expansion to port harbors, spoil disposal sites,
26 navigation channels, turning basins, harbor berths, and other
27 related inwater harbor facilities of the ports specified in s.
28 403.021(9)(b), port transportation facilities and projects
29 listed in s. 311.07(3)(b), and intermodal transportation
30 facilities identified pursuant to s. 311.09(3) when such
31 expansions, projects, or facilities are consistent with port
32 master plans and are in compliance with s. 163.3178.

33 (i) Any proposed facility for the storage of any petroleum
34 product or any expansion of an existing facility.

35 (j) Any renovation or redevelopment within the same parcel
36 as the existing development if such renovation or redevelopment
37 does not change land use or increase density or intensity of
38 use.

39 (k) Waterport and marina development, including dry storage



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40 facilities.

41 (l) Any proposed development within an urban service area
42 boundary established under s. 163.3177(14), Florida
43 Statutes(2010), that is not otherwise exempt pursuant to
44 subsection (3),if the local government having jurisdiction over
45 the area where the development is proposed has adopted the urban
46 service area boundary and has entered into a binding agreement
47 with jurisdictions that would be impacted and with the
48 Department of Transportation regarding the mitigation of impacts
49 on state and regional transportation facilities.

50 (m) Any proposed development within a rural land
51 stewardship area created under s. 163.3248.

52 (n) The establishment, relocation, or expansion of any
53 military installation as specified in s. 163.3175.

54 (o) Any self-storage warehousing that does not allow retail
55 or other services.

56 (p) Any proposed nursing home or assisted living facility.

57 (q) Any development identified in an airport master plan
58 and adopted into the comprehensive plan pursuant to s.
59 163.3177(6) (b) 4.

60 (r) Any development identified in a campus master plan and
61 adopted pursuant to s. 1013.30.

62 (s) Any development in a detailed specific area plan
63 prepared and adopted pursuant to s. 163.3245.

64 (t) Any proposed solid mineral mine and any proposed
65 addition to, expansion of, or change to an existing solid
66 mineral mine. A mine owner must, however, enter into a binding
67 agreement with the Department of Transportation to mitigate
68 impacts to strategic intermodal system facilities. Proposed



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69 changes to any previously approved solid mineral mine
70 development-of-regional-impact development orders having vested
71 rights are not subject to further review or approval as a
72 development-of-regional-impact or notice-of-proposed-change
73 review or approval pursuant to subsection (19), except for those
74 applications pending as of July 1, 2011, which are governed by
75 s. 380.115(2). Notwithstanding this requirement, pursuant to s.
76 380.115(1), a previously approved solid mineral mine
77 development-of-regional impact development order continues to
78 have vested rights and continues to be effective unless
79 rescinded by the developer. All local government regulations of
80 proposed solid mineral mines are applicable to any new solid
81 mineral mine or to any proposed addition to, expansion of, or
82 change to an existing solid mineral mine.

83 (u) Notwithstanding any provision in an agreement with or
84 among a local government, regional agency, or the state land
85 planning agency or in a local government's comprehensive plan to
86 the contrary, a project no longer subject to development-of
87 regional-impact review under the revised thresholds specified in
88 s. 380.06(2)(b) and this section.

89 (v) Any development within a county that has a research and
90 education authority created by special act and which is also
91 within a research and development park that is operated or
92 managed by a research and development authority pursuant to part
93 V of chapter 159.

94 (w) Any development in an energy economic zone designated
95 pursuant to s. 377.809 upon approval by its local governing
96 body.

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98 If a use is exempt from review pursuant to paragraphs (a)-(u),
99 but will be part of a larger project that is subject to review
100 pursuant to s. 380.06(12), the impact of the exempt use must be
101 included in the review of the larger project, unless such exempt
102 use involves a development that includes a landowner, tenant, or
103 user that has entered into a funding agreement with the state
104 land planning agency under the Innovation Incentive Program and
105 the agreement contemplates a state award of at least \$50
106 million.

107 (3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.

108 (a) The following are exempt from the requirements of s.
109 380.06:

110 1. Any proposed development in a municipality that has an
111 average of at least 1,000 people per square mile of land area
112 and a minimum total population of at least 5,000;

113 2. Any proposed development within a county, including the
114 municipalities located therein, having an average of at least
115 1,000 people per square mile of land area and the development is
116 located within an urban service area as defined in s. 163.3164
117 which has been adopted into the comprehensive plan as defined in
118 s. 163.3164;

119 3. Any proposed development within a county, including the
120 municipalities located therein, having a population of at least
121 900,000 and an average of at least 1,000 people per square mile
122 of land area, but which does not have an urban service area
123 designated in the comprehensive plan; and

124 4. Any proposed development within a county, including the
125 municipalities located therein, having a population of at least
126 1 million and the development is located within an urban service



127 area as defined in s. 163.3164 which has been adopted into the
128 comprehensive plan.
129
130 The Office of Economic and Demographic Research within the
131 Legislature shall annually calculate the population and density
132 criteria needed to determine which jurisdictions meet the
133 density criteria in subparagraphs 1.-4. by using the most recent
134 land area data from the decennial census conducted by the Bureau
135 of the Census of the United States Department of Commerce and
136 the latest available population estimates determined pursuant to
137 s. 186.901. If any local government has had an annexation,
138 contraction, or new incorporation, the Office of Economic and
139 Demographic Research shall determine the population density
140 using the new jurisdictional boundaries as recorded in
141 accordance with s. 171.091. The Office of Economic and
142 Demographic Research shall annually submit to the state land
143 planning agency by July 1 a list of jurisdictions that meet the
144 total population and density criteria. The state land planning
145 agency shall publish the list of jurisdictions on its website
146 within 7 days after the list is received. The designation of
147 jurisdictions that meet the criteria of subparagraphs 1.-4. is
148 effective upon publication on the state land planning agency's
149 website. If a municipality that has previously met the criteria
150 no longer meets the criteria, the state land planning agency
151 must maintain the municipality on the list and indicate the year
152 the jurisdiction last met the criteria. However, any proposed
153 development of regional impact not within the established
154 boundaries of a municipality at the time the municipality last
155 met the criteria must meet the requirements of this section



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156 until the municipality as a whole meets the criteria. Any county
157 that meets the criteria must remain on the list. Any
158 jurisdiction that was placed on the dense urban land area list
159 before June 2, 2011, must remain on the list.

160 (b) If a municipality that does not qualify as a dense
161 urban land area pursuant to paragraph (a) designates any of the
162 following areas in its comprehensive plan, any proposed
163 development within the designated area is exempt from s. 380.06
164 unless otherwise required by part II of chapter 163:

- 165 1. Urban infill as defined in s. 163.3164;
- 166 2. Community redevelopment areas as defined in s. 163.340;
- 167 3. Downtown revitalization areas as defined in s. 163.3164;
- 168 4. Urban infill and redevelopment under s. 163.2517; or
- 169 5. Urban service areas as defined in s. 163.3164 or areas
170 within a designated urban service area boundary pursuant to s.
171 163.3177(14), Florida Statutes (2010).

172 (c) If a county that does not qualify as a dense urban land
173 area designates any of the following areas in its comprehensive
174 plan, any proposed development within the designated area is
175 exempt from the development-of-regional-impact process:

- 176 1. Urban infill as defined in s. 163.3164;
- 177 2. Urban infill and redevelopment pursuant to s. 163.2517;
178 or
- 179 3. Urban service areas as defined in s. 163.3164.

180 (d) If any portion of a development is located in an area
181 that is not exempt from review under s. 380.06, the development
182 must undergo review pursuant to that section.