

Bill No. CS/HB 1375, 2nd Eng.

Barcode 584664

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following **amendment to amendment**  
(790464):

**Senate Amendment (with directory amendment)**

On page 16, between lines 22-23,

insert:

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government,

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1 and shall include appropriate amendments to the development  
2 order.

3 2. The following changes, individually or cumulatively  
4 with any previous changes, are not substantial deviations:

5 a. Changes in the name of the project, developer,  
6 owner, or monitoring official.

7 b. Changes to a setback that do not affect noise  
8 buffers, environmental protection or mitigation areas, or  
9 archaeological or historical resources.

10 c. Changes to minimum lot sizes.

11 d. Changes in the configuration of internal roads that  
12 do not affect external access points.

13 e. Changes to the building design or orientation that  
14 stay approximately within the approved area designated for  
15 such building and parking lot, and which do not affect  
16 historical buildings designated as significant by the Division  
17 of Historical Resources of the Department of State.

18 f. Changes to increase the acreage in the development,  
19 provided that no development is proposed on the acreage to be  
20 added.

21 g. Changes to eliminate an approved land use, provided  
22 that there are no additional regional impacts.

23 h. Changes required to conform to permits approved by  
24 any federal, state, or regional permitting agency, provided  
25 that these changes do not create additional regional impacts.

26 i. Any renovation or redevelopment of development  
27 within a previously approved development of regional impact  
28 which does not change land use or increase density or  
29 intensity of use.

30 j. Changes that modify boundaries and configuration of  
31 areas described in subparagraph (b)14. due to science-based

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1 refinement of such areas by survey, by habitat evaluation, by  
 2 other recognized assessment methodology, or by an  
 3 environmental assessment. In order for changes to qualify  
 4 under this sub-subparagraph, the survey, habitat evaluation,  
 5 or assessment must occur prior to the time a conservation  
 6 easement protecting such lands is recorded and must not result  
 7 in any net decrease in the total acreage of the lands  
 8 specifically set aside for permanent preservation in the final  
 9 development order.

10 k. Changes to permit the sale of an affordable housing  
 11 unit to a person who earns less than 120 percent of the area  
 12 median income, provided the developer actively markets the  
 13 unit for a minimum period of 6 months, is unable to close a  
 14 sale to a qualified buyer in a lower income qualified income  
 15 class, a certificate of occupancy is issued for the unit, and  
 16 the developer proposes to sell the unit to a person who earns  
 17 less than 120 percent of the area median income at a purchase  
 18 price that is no greater than the purchase price at which the  
 19 unit was originally marketed to a lower income qualified  
 20 class. This provision may not be applied to residential units  
 21 approved pursuant to subparagraph (b)7. or paragraph (i), and  
 22 shall expire on July 1, 2009.

23 ~~l.k.~~ Any other change which the state land planning  
 24 agency, in consultation with the regional planning council,  
 25 agrees in writing is similar in nature, impact, or character  
 26 to the changes enumerated in sub-subparagraphs a.-j. and which  
 27 does not create the likelihood of any additional regional  
 28 impact.

29  
 30 This subsection does not require the filing of a notice of  
 31 proposed change but shall require an application to the local

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1 government to amend the development order in accordance with  
2 the local government's procedures for amendment of a  
3 development order. In accordance with the local government's  
4 procedures, including requirements for notice to the applicant  
5 and the public, the local government shall either deny the  
6 application for amendment or adopt an amendment to the  
7 development order which approves the application with or  
8 without conditions. Following adoption, the local government  
9 shall render to the state land planning agency the amendment  
10 to the development order. The state land planning agency may  
11 appeal, pursuant to s. 380.07(3), the amendment to the  
12 development order if the amendment involves sub-subparagraph  
13 g., sub-subparagraph h., sub-subparagraph j., ~~or~~  
14 sub-subparagraph k., or sub-subparagraph l., and it believes  
15 the change creates a reasonable likelihood of new or  
16 additional regional impacts.

17         3. Except for the change authorized by  
18 sub-subparagraph 2.f., any addition of land not previously  
19 reviewed or any change not specified in paragraph (b) or  
20 paragraph (c) shall be presumed to create a substantial  
21 deviation. This presumption may be rebutted by clear and  
22 convincing evidence.

23         4. Any submittal of a proposed change to a previously  
24 approved development shall include a description of individual  
25 changes previously made to the development, including changes  
26 previously approved by the local government. The local  
27 government shall consider the previous and current proposed  
28 changes in deciding whether such changes cumulatively  
29 constitute a substantial deviation requiring further  
30 development-of-regional-impact review.

31         5. The following changes to an approved development of

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1 regional impact shall be presumed to create a substantial  
2 deviation. Such presumption may be rebutted by clear and  
3 convincing evidence.

4 a. A change proposed for 15 percent or more of the  
5 acreage to a land use not previously approved in the  
6 development order. Changes of less than 15 percent shall be  
7 presumed not to create a substantial deviation.

8 b. Notwithstanding any provision of paragraph (b) to  
9 the contrary, a proposed change consisting of simultaneous  
10 increases and decreases of at least two of the uses within an  
11 authorized multiuse development of regional impact which was  
12 originally approved with three or more uses specified in s.  
13 380.0651(3)(c), (d), (e), and (f) and residential use.

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16 ===== DIRECTORY CLAUSE AMENDMENT =====

17 And the directory clause is amended as follows:

18 On page 15, lines 21-22, delete those lines

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20

and insert:

21 Section 6. Paragraphs (c) and (e) of subsection (19)  
22 of section 380.06, Florida Statutes, are amended to read:

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