

ENROLLED
HB 539, Engrossed 1

2004 Legislature

A bill to be entitled

An act relating to developments of regional impact;
amending s. 380.06, F.S.; requiring that certain
individual use and multiuse guidelines and standards be
increased by a specified percentage in certain areas if
the land use of a multiuse development is residential and
is not less than a specified percentage of the
jurisdiction's residential threshold; revising provisions
governing substantial deviation standards for the date of
buildout of a development; providing an effective date.

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

Section 1. Paragraph (e) of subsection (2) and paragraph
(c) of subsection (19) of section 380.06, Florida Statutes, are
amended to read:

380.06 Developments of regional impact.--

(2) STATEWIDE GUIDELINES AND STANDARDS.--

(e) With respect to residential, hotel, motel, office, and
retail developments, the applicable guidelines and standards
shall be increased by 50 percent in urban central business
districts and regional activity centers of jurisdictions whose
local comprehensive plans are in compliance with part II of
chapter 163. With respect to multiuse developments, the
applicable individual use guidelines and standards for
residential, hotel, motel, office, and retail developments and
multiuse guidelines and standards shall be increased by 100
percent in urban central business districts and regional

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activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effectiveness of the designation.

(19) SUBSTANTIAL DEVIATIONS.--

(c) An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years

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is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

Section 2. This act shall take effect July 1, 2004.