

By Senator Altman

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1 A bill to be entitled
2 An act relating to state and local government
3 permitting; providing an extension for the expiration
4 date of certain construction and operating permits and
5 development orders; extending the period for
6 completing required mitigation associated with such
7 permits or orders; prohibiting additional permitting
8 standards or criteria from being adopted or enforced
9 during a specified period; providing for retroactive
10 application; providing an effective date.

11
12 WHEREAS, the current recession has drastically affected the
13 economy, particularly the banking, real estate, and construction
14 industries, has resulted in an extreme tightening of lending
15 standards for real estate borrowers, and has reduced access to
16 the capital markets, causing a severe decline in those
17 industries in this state, and

18 WHEREAS, the decline in demand for new construction,
19 coupled with the tightening of the credit markets, has delayed
20 the start of many previously approved projects that have a
21 limited time within which to begin construction prior to the
22 expiration of permits and other approvals, and

23 WHEREAS, obtaining local and state planning and zoning
24 approvals is time-consuming and expensive for the applicants and
25 the respective governmental agencies, and if such approvals
26 expire, they may be impossible to renew, which would exacerbate
27 the losses of these industries and prolong any economic recovery
28 in this state, and

29 WHEREAS, property owners, builders, and developers are

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30 experiencing severe erosion of collateral and depreciation of
31 assets as government permits and approvals for projects expire,
32 and

33 WHEREAS, the extension of time within which such permits
34 and approvals must be acted upon is essential in order to
35 maintain the value of the collateral and the solvency of
36 financial institutions, builders, and developers, and

37 WHEREAS, the extension of the term of such permits and
38 approvals is necessary to prevent the abandonment of approved
39 projects due to the present unfavorable economic conditions and
40 will prevent a waste of public and private resources and
41 unnecessary regulatory activity during a period when the economy
42 is depressed, and will create a business climate that is
43 conducive to accelerating the state's economic recovery, NOW,
44 THEREFORE,

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. (1) Any construction or operating permit,
49 development order, building permit, or other land use
50 application that has been approved by a state or local
51 governmental agency pursuant to chapter 161, chapter 163,
52 chapter 253, chapter 373, chapter 378, chapter 379, chapter 380,
53 chapter 381, chapter 403, or chapter 553, Florida Statutes, or
54 pursuant to a local ordinance, and that has an expiration date
55 from October 1, 2008, through October 1, 2010, is extended and
56 renewed for a period of 2 years following its date of
57 expiration.

58 (2) The 2-year extension also applies to the phase,

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59 commencement, and buildout date for any development order or
60 local land use approval, including a certificate of concurrency
61 or developer agreement. The completion date for any required
62 mitigation associated with any phase of construction is
63 similarly extended so that it takes place within the phase
64 originally intended.

65 (3) Additional or more stringent permitting standards,
66 regulations, or criteria related to construction, development,
67 building, or other land use activity may not be adopted or
68 enforced by any governmental entity pursuant to chapter 161,
69 chapter 163, chapter 253, chapter 373, chapter 378, chapter 379,
70 chapter 380, chapter 381, chapter 403, or chapter 553, Florida
71 Statutes, or pursuant to any local ordinance from May 1, 2009,
72 through May 1, 2011, without authorization by the Legislature.

73 Section 2. This act shall take upon becoming a law, and
74 applies retroactively to October 1, 2008.