

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 196.1995, F.S.; authorizing counties and municipalities to
4 extend economic development ad valorem tax exemptions
5 under certain circumstances; amending s. 220.191, F.S.;
6 redefining the terms "qualifying business" and "qualifying
7 project" for purposes of the capital investment tax
8 credit; conforming a cross-reference; authorizing the
9 approval of prorated tax credits under certain
10 circumstances; amending s. 288.018, F.S.; revising the
11 allowable uses for matching grants awarded under the
12 Regional Rural Development Grants Program; amending s.
13 288.106, F.S.; revising the amounts of tax refund payments
14 allowable under the tax refund program for qualified
15 target industry businesses; revising criteria for the
16 waiver of wage requirements under the tax refund program
17 for qualified target industry businesses; amending s.
18 288.108, F.S.; redefining the term "eligible high-impact
19 business" for purposes of high-impact sector performance
20 grants; revising the guidelines for negotiating the award
21 of high-impact sector performance grants; amending s.
22 288.1088, F.S.; revising the process for legislative
23 consultation and review of Quick Action Closing Fund
24 projects; authorizing certain Quick Action Closing Fund
25 businesses to request renegotiation of their contracts;
26 providing for review and approval of the requests;
27 providing for the return of funds under certain
28 circumstances; providing for the reappropriation of

29 returned funds; providing for expiration; requiring that
 30 certain funds be placed in reserve; providing for the
 31 release of funds; providing for the reversion of funds;
 32 amending s. 288.9625, F.S.; authorizing the Institute for
 33 the Commercialization of Public Research to accept public
 34 funds and contract for the provision of seed capital to
 35 businesses; limiting the amount of such contract;
 36 requiring that additional information be included in the
 37 institute's annual report to the Governor and Legislature;
 38 amending s. 14, ch. 2009-96, Laws of Florida; extending
 39 certain water-related permits issued by the Department of
 40 Environmental Protection or water management districts
 41 pursuant to part IV of ch. 373, F.S., and certain local
 42 government-issued development orders and building permits;
 43 providing an effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. Subsection (7) of section 196.1995, Florida
 48 Statutes, is amended to read:

49 196.1995 Economic development ad valorem tax exemption.—

50 (7) The authority to grant exemptions under this section
 51 expires ~~will expire~~ 10 years after the date such authority was
 52 approved in an election, but such authority may be renewed for
 53 subsequent another 10-year periods if each 10-year renewal is
 54 approved ~~period~~ in a referendum called and held pursuant to this
 55 section.

56 Section 2. Paragraphs (g) and (h) of subsection (1) and

57 subsections (3) and (4) of section 220.191, Florida Statutes,
 58 are amended to read:

59 220.191 Capital investment tax credit.—

60 (1) DEFINITIONS.—For purposes of this section:

61 (g) "Qualifying business" means a qualified target
 62 industry business as defined in s. 288.106 that ~~which~~
 63 establishes a qualifying project in this state and ~~which~~ is
 64 certified by the office to receive tax credits pursuant to this
 65 section.

66 (h) "Qualifying project" means:

67 1. A new or expanding facility in this state that ~~which~~
 68 creates at least 50 ~~100~~ new jobs in this state, pays an annual
 69 average wage of at least 130 percent of the average private
 70 sector wage in the area as defined in s. 288.106, makes a
 71 cumulative capital investment of at least \$25 million in this
 72 state, and is a qualified target industry business as defined in
 73 s. 288.106 ~~in one of the high-impact sectors identified by~~
 74 ~~Enterprise Florida, Inc., and certified by the office pursuant~~
 75 ~~to s. 288.108(6), including, but not limited to, aviation,~~
 76 ~~aerospace, automotive, and silicon technology industries; or~~

77 ~~2. A new or expanded facility in this state which is~~
 78 ~~engaged in a target industry designated pursuant to the~~
 79 ~~procedure specified in s. 288.106(1)(o) and which is induced by~~
 80 ~~this credit to create or retain at least 1,000 jobs in this~~
 81 ~~state, provided that at least 100 of those jobs are new, pay an~~
 82 ~~annual average wage of at least 130 percent of the average~~
 83 ~~private sector wage in the area as defined in s. 288.106(1), and~~
 84 ~~make a cumulative capital investment of at least \$100 million~~

85 ~~after July 1, 2005. Jobs may be considered retained only if~~
 86 ~~there is significant evidence that the loss of jobs is imminent.~~
 87 ~~Notwithstanding subsection (2), annual credits against the tax~~
 88 ~~imposed by this chapter shall not exceed 50 percent of the~~
 89 ~~increased annual corporate income tax liability or the premium~~
 90 ~~tax liability generated by or arising out of a project~~
 91 ~~qualifying under this subparagraph. A facility that qualifies~~
 92 ~~under this subparagraph for an annual credit against the tax~~
 93 ~~imposed by this chapter may take the tax credit for a period not~~
 94 ~~to exceed 5 years; or~~

95 2.3. A new or expanded headquarters facility in this state
 96 that ~~which~~ locates in an enterprise zone and brownfield area,
 97 ~~and~~ is induced by this credit to create at least 1,500 jobs
 98 paying ~~which~~ on average ~~pay~~ at least 200 percent of the
 99 statewide average annual private sector wage, as published by
 100 the Agency for Workforce Innovation or its successor, and ~~which~~
 101 ~~new or expanded headquarters facility~~ makes a cumulative capital
 102 investment in this state of at least \$250 million.

103 (3) (a) Notwithstanding subsection (2), an annual credit
 104 against the tax imposed by this chapter shall be granted to a
 105 qualifying business that ~~which~~ establishes a qualifying project
 106 pursuant to subparagraph (1) (h) 2.3. ~~7~~ in an amount equal to the
 107 lesser of \$15 million or 5 percent of the eligible capital costs
 108 made in connection with a qualifying project, for a period not
 109 to exceed 20 years beginning with the commencement of operations
 110 of the project. The tax credit shall be granted against the
 111 corporate income tax liability of the qualifying business and as
 112 further provided in paragraph (c). The total tax credit provided

113 pursuant to this subsection shall be equal to no more than 100
114 percent of the eligible capital costs of the qualifying project.

115 (b) If the credit granted under this subsection is not
116 fully used in any one year because of insufficient tax liability
117 on the part of the qualifying business, the unused amount may be
118 carried forward for a period not to exceed 20 years after the
119 commencement of operations of the project. The carryover credit
120 may be used in a subsequent year when the tax imposed by this
121 chapter for that year exceeds the credit for which the
122 qualifying business is eligible in that year under this
123 subsection after applying the other credits and unused
124 carryovers in the order provided by s. 220.02(8).

125 (c) The credit granted under this subsection may be used
126 in whole or in part by the qualifying business or any
127 corporation that is ~~either~~ a member of that qualifying
128 business's affiliated group of corporations, is a related entity
129 taxable as a cooperative under subchapter T of the Internal
130 Revenue Code, or, if the qualifying business is an entity
131 taxable as a cooperative under subchapter T of the Internal
132 Revenue Code, is related to the qualifying business. Any entity
133 related to the qualifying business may continue to file as a
134 member of a Florida-nexus consolidated group pursuant to a prior
135 election made under s. 220.131(1), Florida Statutes (1985), even
136 if the parent of the group changes due to a direct or indirect
137 acquisition of the former common parent of the group. Any credit
138 may ~~can~~ be used by any of the affiliated companies or related
139 entities referenced in this paragraph to the same extent as it
140 could have been used by the qualifying business. However, any

141 such use does ~~shall~~ not operate to increase the amount of the
 142 credit or extend the period within which the credit must be
 143 used.

144 (4) Before ~~Prior to~~ receiving tax credits pursuant to this
 145 section, a qualifying business must achieve and maintain the
 146 minimum employment goals beginning with the commencement of
 147 operations at a qualifying project and continuing each year
 148 thereafter during which tax credits are available pursuant to
 149 this section. However, the office may approve a prorated tax
 150 credit amount for a qualifying business that enters into an
 151 agreement with the office on or after July 1, 2010, and
 152 satisfies the capital investment and average wage requirements
 153 but does not meet the employment requirements because of market
 154 conditions. The prorated tax credit shall be calculated by
 155 multiplying the tax credit amount for which the qualifying
 156 business would be eligible if all applicable requirements were
 157 satisfied by the percentage of the average employment specified
 158 in the tax credit agreement that is actually achieved.

159 Section 3. Subsection (1) of section 288.018, Florida
 160 Statutes, is amended to read:

161 288.018 Regional Rural Development Grants Program.—

162 (1) The Office of Tourism, Trade, and Economic Development
 163 shall establish a matching grant program to provide funding to
 164 regionally based economic development organizations representing
 165 rural counties and communities for the purpose of building the
 166 professional capacity of their organizations. Such matching
 167 grants may also be used by an economic development organization
 168 to provide technical assistance to businesses within the rural

169 counties and communities that it serves. The Office of Tourism,
 170 Trade, and Economic Development is authorized to approve, on an
 171 annual basis, grants to such regionally based economic
 172 development organizations. The maximum amount an organization
 173 may receive in any year will be \$35,000, or \$100,000 in a rural
 174 area of critical economic concern recommended by the Rural
 175 Economic Development Initiative and designated by the Governor,
 176 and must be matched each year by an equivalent amount of
 177 nonstate resources.

178 Section 4. Paragraph (b) of subsection (2) and paragraph
 179 (b) of subsection (3) of section 288.106, Florida Statutes, are
 180 amended to read:

181 288.106 Tax refund program for qualified target industry
 182 businesses.—

183 (2) TAX REFUND; ELIGIBLE AMOUNTS.—

184 (b) Upon approval by the director, a qualified target
 185 industry business shall be allowed tax refund payments equal to
 186 \$3,000 multiplied by ~~times~~ the number of jobs specified in the
 187 tax refund agreement under subparagraph (4)(a)1., or equal to
 188 \$6,000 multiplied by ~~times~~ the number of jobs if the project is
 189 located in a rural county or an enterprise zone. Further, a
 190 qualified target industry business shall be allowed additional
 191 tax refund payments equal to \$1,000 multiplied by ~~times~~ the
 192 number of jobs specified in the tax refund agreement under
 193 subparagraph (4)(a)1., if such jobs pay an annual average wage
 194 of at least 150 percent of the average private sector wage in
 195 the area, or equal to \$2,000 multiplied by ~~times~~ the number of
 196 jobs if such jobs pay an annual average wage of at least 200

197 | percent of the average private sector wage in the area. A
 198 | business that falls within one of the high-impact sectors
 199 | designated under s. 288.108 shall be allowed additional tax
 200 | refund payments equal to \$2,000 multiplied by the number of jobs
 201 | specified in the tax refund agreement under subparagraph
 202 | (4) (a)1. A qualified target industry business may not receive
 203 | refund payments of more than 25 percent of the total tax refunds
 204 | specified in the tax refund agreement under subparagraph
 205 | (4) (a)1. in any fiscal year. Further, a qualified target
 206 | industry business may not receive more than \$1.5 million in
 207 | refunds under this section in any single fiscal year, or more
 208 | than \$2.5 million in any single fiscal year if the project is
 209 | located in an enterprise zone. A qualified target industry may
 210 | not receive more than \$5 million in refund payments under this
 211 | section in all fiscal years, or more than \$7.5 million if the
 212 | project is located in an enterprise zone. Funds made available
 213 | pursuant to this section may not be expended in connection with
 214 | the relocation of a business from one community to another
 215 | community in this state unless the Office of Tourism, Trade, and
 216 | Economic Development determines that without such relocation the
 217 | business will move outside this state or determines that the
 218 | business has a compelling economic rationale for the relocation
 219 | and that the relocation will create additional jobs.

220 | (3) APPLICATION AND APPROVAL PROCESS.—

221 | (b) To qualify for review by the office, the application
 222 | of a target industry business must, at a minimum, establish the
 223 | following to the satisfaction of the office:

224 | 1. The jobs proposed to be provided under the application,

225 pursuant to subparagraph (a)4., must pay an estimated annual
 226 average wage equaling at least 115 percent of the average
 227 private sector wage in the area where the business is to be
 228 located or the statewide private sector average wage. In
 229 determining the average annual wage, the office shall include
 230 only new proposed jobs, and wages for existing jobs shall be
 231 excluded from this calculation. The office may waive the average
 232 wage requirement at the request of the local governing body
 233 recommending the project and Enterprise Florida, Inc. The wage
 234 requirement may only be waived for a project located in a
 235 brownfield area designated under s. 376.80, ~~or~~ in a rural city
 236 or county, or in an enterprise zone, or for a manufacturing
 237 project at any location within the state if the jobs proposed to
 238 be created pay an estimated annual average wage equaling at
 239 least 100 percent of the average private sector wage in the area
 240 where the business is to be located, and only when the merits of
 241 the individual project or the specific circumstances in the
 242 community in relationship to the project warrant such action. If
 243 the local governing body and Enterprise Florida, Inc., make such
 244 a recommendation, it must be transmitted in writing and the
 245 specific justification for the waiver recommendation must be
 246 explained. If the director elects to waive the wage requirement,
 247 the waiver must be stated in writing and the reasons for
 248 granting the waiver must be explained.

249 2. The target industry business's project must result in
 250 the creation of at least 10 jobs at such project and, if an
 251 expansion of an existing business, must result in a net increase
 252 in employment of at least 10 percent at the business.

253 Notwithstanding the definition of the term "expansion of an
254 existing business" in paragraph (1)(g), at the request of the
255 local governing body recommending the project and Enterprise
256 Florida, Inc., the office may define an "expansion of an
257 existing business" in a rural community or an enterprise zone as
258 the expansion of a business resulting in a net increase in
259 employment of less than 10 percent at such business if the
260 merits of the individual project or the specific circumstances
261 in the community in relationship to the project warrant such
262 action. If the local governing body and Enterprise Florida,
263 Inc., make such a request, the request must be transmitted in
264 writing and the specific justification for the request must be
265 explained. If the director elects to grant the request, the
266 grant must be stated in writing and the reason for granting the
267 request must be explained.

268 3. The business activity or product for the applicant's
269 project is within an industry or industries that have been
270 identified by the office to be high-value-added industries that
271 contribute to the area and to the economic growth of the state
272 and that produce a higher standard of living for residents of
273 this state in the new global economy or that can be shown to
274 make an equivalent contribution to the area and state's economic
275 progress. The director must approve requests to waive the wage
276 requirement for brownfield areas designated under s. 376.80
277 unless it is demonstrated that such action is not in the public
278 interest.

279 Section 5. Paragraph (a) of subsection (2) and paragraph
280 (b) of subsection (3) of section 288.108, Florida Statutes, are

281 amended to read:

282 288.108 High-impact business.—

283 (2) DEFINITIONS.—As used in this section, the term:

284 (a) "Eligible high-impact business" means a business in
 285 one of the high-impact sectors identified by Enterprise Florida,
 286 Inc., and certified by the Office of Tourism, Trade, and
 287 Economic Development as provided in subsection (5), which is
 288 making a cumulative investment in the state of at least \$50 ~~\$100~~
 289 million and creating at least 50 ~~100~~ new full-time equivalent
 290 jobs in the state or a research and development facility making
 291 a cumulative investment of at least \$25 ~~\$75~~ million and creating
 292 at least 25 ~~75~~ new full-time equivalent jobs. Such investment
 293 and employment must be achieved in a period not to exceed 3
 294 years after the date the business is certified as a qualified
 295 high-impact business.

296 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
 297 AMOUNTS.—

298 (b) The office may, in consultation with Enterprise
 299 Florida, Inc., negotiate qualified high-impact business
 300 performance grant awards for any single qualified high-impact
 301 business. In negotiating such awards, the office shall consider
 302 the following guidelines in conjunction with other relevant
 303 applicant impact and cost information and analysis as required
 304 in subsection (5). A qualified high-impact business making a
 305 cumulative investment of \$50 million and creating 50 jobs may be
 306 eligible for a total qualified high-impact business performance
 307 grant of \$500,000 to \$1 million. A qualified high-impact
 308 business making a cumulative investment of \$100 million and

309 creating 100 jobs may be eligible for a total qualified high-
 310 impact business performance grant of \$1 million to \$2 million. A
 311 qualified high-impact business making a cumulative investment of
 312 \$800 million and creating 800 jobs may be eligible for a
 313 qualified high-impact business performance grant of \$10 million
 314 to \$12 million. A qualified high-impact business engaged in
 315 research and development making a cumulative investment of \$25
 316 million and creating 25 jobs may be eligible for a total
 317 qualified high-impact business performance grant of \$700,000 to
 318 \$1 million. A qualified high-impact business~~,~~ engaged in
 319 research and development~~,~~ making a cumulative investment of \$75
 320 million~~,~~ and creating 75 jobs may be eligible for a total
 321 qualified high-impact business performance grant of \$2 million
 322 to \$3 million. A qualified high-impact business~~,~~ engaged in
 323 research and development~~,~~ making a cumulative investment of \$150
 324 million~~,~~ and creating 150 jobs may be eligible for a qualified
 325 high-impact business performance grant of \$3.5 million to \$4.5
 326 million.

327 Section 6. Paragraphs (b) and (c) of subsection (3) of
 328 section 288.1088, Florida Statutes, are amended, and subsections
 329 (4) and (5) are added to that section, to read:

330 288.1088 Quick Action Closing Fund.—

331 (3)

332 (b) Within 22 calendar days after receiving the evaluation
 333 and recommendation from Enterprise Florida, Inc., the director
 334 of the Office of Tourism, Trade, and Economic Development shall
 335 recommend to the Governor approval or disapproval of a project
 336 for receipt of funds from the Quick Action Closing Fund. In

337 recommending a project, the director shall include proposed
338 performance conditions that the project must meet to obtain
339 incentive funds. The Governor shall provide the evaluation of
340 projects recommended for approval to the President of the Senate
341 and the Speaker of the House of Representatives and consult with
342 the President of the Senate and the Speaker of the House of
343 Representatives before giving final approval for a project. At
344 least 14 days before releasing funds for a project, the
345 Executive Office of the Governor shall recommend approval of the
346 a project and the release of funds by delivering notice of such
347 action pursuant to the legislative consultation and review
348 requirements set forth in s. 216.177. The recommendation must
349 include proposed performance conditions that the project must
350 meet in order to obtain funds. If the President of the Senate or
351 the Speaker of the House of Representatives timely advises the
352 Executive Office of the Governor, in writing, that such action
353 or proposed action exceeds the delegated authority of the
354 Executive Office of the Governor or is contrary to legislative
355 policy or intent, the Executive Office of the Governor shall
356 void the release of funds and instruct the Office of Tourism,
357 Trade, and Economic Development to immediately change such
358 action or proposed action until the Legislative Budget
359 Commission or the Legislature addresses the issue.

360 (c) Upon the approval of the Governor, the director of the
361 Office of Tourism, Trade, and Economic Development and the
362 business shall enter into a contract that sets forth the
363 conditions for payment of moneys from the fund. The contract
364 must include the total amount of funds awarded; the performance

365 conditions that must be met to obtain the award, including, but
366 not limited to, net new employment in the state, average salary,
367 and total capital investment; demonstrate a baseline of current
368 service and a measure of enhanced capability; the methodology
369 for validating performance; the schedule of payments from the
370 fund; and sanctions for failure to meet performance conditions.
371 The contract must provide that payment of moneys from the fund
372 is contingent upon sufficient appropriation of funds by the
373 Legislature ~~and upon sufficient release of appropriated funds by~~
374 ~~the Legislative Budget Commission.~~

375 (4) (a) A Quick Action Closing Fund business that, pursuant
376 to its contract, submits reports to the Office of Tourism,
377 Trade, and Economic Development on or after January 1, 2010, but
378 no later than June 30, 2011, on the status of the business's
379 compliance with the performance conditions of its contract may
380 submit a written request to the Office of Tourism, Trade, and
381 Economic Development for renegotiation of the contract. The
382 request must provide quantitative evidence demonstrating how
383 negative economic conditions in the business's industry have
384 prevented the business from complying with the terms and
385 conditions of the contract. The request must also include
386 proposed adjusted performance conditions that result in new job
387 creation and meet the requirements of subsection (2). Adjusted
388 performance conditions may not include any additional waiver
389 requests.

390 (b) Within 45 days after receiving a Quick Action Closing
391 Fund business's request to renegotiate its contract, the
392 director of the Office of Tourism, Trade, and Economic

393 Development must provide written notice to the business of
394 whether the request for renegotiation is granted or denied. In
395 making such a determination, the director shall consider the
396 extent to which negative economic conditions in the business's
397 industry occurred in the state, the proposed adjusted
398 performance conditions, and the business's efforts to comply
399 with the contract.

400 (c) Upon granting a business's request to renegotiate, the
401 Office of Tourism, Trade, and Economic Development, together
402 with Enterprise Florida, Inc., shall determine the economic
403 impact of the adjusted performance conditions and notify the
404 business of the adjusted award amount associated with the
405 proposed adjusted performance conditions. The Quick Action
406 Closing Fund business must renegotiate its contract with the
407 Office of Tourism, Trade, and Economic Development for the
408 adjusted amount and agree to return the difference between the
409 original Quick Action Closing Fund award and the adjusted award
410 without interest or penalties. When renegotiating a contract
411 with a Quick Action Closing Fund business, the Office of
412 Tourism, Trade, and Economic Development may extend the duration
413 of the contract for a period not to exceed 2 years. Any funds
414 returned pursuant to this paragraph shall be reappropriated to
415 the Office of Tourism, Trade, and Economic Development for the
416 Quick Action Closing Fund.

417 (d) This subsection expires June 30, 2011.

418 (5) Funds appropriated by the Legislature for purposes of
419 implementing this section shall be placed in reserve and may
420 only be released pursuant to the legislative consultation and

CS/HB 1509

2010

421 review requirements set forth in s. 216.177. Notwithstanding s.
422 216.301, funds appropriated for purposes of implementing this
423 section, whether released or in reserve, shall not revert on
424 June 30th of the fiscal year for which the funds are
425 appropriated but shall revert on June 30th of the second fiscal
426 year of the appropriation.

427 Section 7. Subsection (10) of section 288.9625, Florida
428 Statutes, is amended, subsection (11) is renumbered as
429 subsection (12), present subsection (12) is renumbered as
430 subsection (13) and amended, and a new subsection (11) is added
431 to that section, to read:

432 288.9625 Institute for the Commercialization of Public
433 Research.—There is established the Institute for the
434 Commercialization of Public Research.

435 (10) The institute shall ~~not develop or accrue any~~
436 ~~ownership, royalty, patent, or other such rights over or~~
437 ~~interest in companies or products in the institute and shall~~
438 maintain the secrecy of proprietary information.

439 (11) (a) The institute may accept public funds, including,
440 but not limited to, funds appropriated by the Legislature to the
441 Office of Tourism, Trade, and Economic Development for purposes
442 of, and enter into contracts for, the provision of seed capital
443 with companies whose technologies, products, or services are
444 developed with publicly funded research.

445 (b) The institute may negotiate the terms of any contract
446 and fund repayments as necessary to maximize the benefits to the
447 state as described in paragraph (13) (c). The amount of such
448 contract may not exceed \$250,000 and must be supported by at

449 least an equal monetary matching capital contribution from
 450 private sources.

451 ~~(13)-(12)~~ By December 1 of each year, the institute shall
 452 issue an annual report concerning its activities to the
 453 Governor, the President of the Senate, and the Speaker of the
 454 House of Representatives. The report shall include the
 455 following:

456 (a) Information on any assistance and activities provided
 457 by the institute to assist publicly supported universities,
 458 colleges, research institutes, and other publicly supported
 459 organizations in the state.

460 (b) A description of the benefits to this state resulting
 461 from the institute, including the number of businesses created,
 462 associated industries started, the number of jobs created, and
 463 the growth of related projects.

464 (c) A description of the benefits to the state resulting
 465 from the provision of seed capital, including the number of
 466 businesses created, the amount of additional capital raised, the
 467 number of associated industries started, the number of jobs
 468 created, and the growth of related research projects.

469 ~~(d)-(e)~~ Independently audited financial statements,
 470 including statements that show receipts and expenditures during
 471 the preceding fiscal year for personnel, administration, and
 472 operational costs of the institute.

473 Section 8. Subsections (1), (3), and (5) of section 14 of
 474 chapter 2009-96, Laws of Florida, are amended to read:

475 Section 14. (1) Except as provided in subsection (4), and
 476 in recognition of 2009 real estate market conditions, any permit

477 issued by the Department of Environmental Protection or a water
478 management district pursuant to part IV of chapter 373, Florida
479 Statutes, that has an expiration date of September 1, 2008,
480 through January 1, 2012, is extended and renewed for a period of
481 3 ~~2~~ years following its date of expiration. This extension
482 includes any local government-issued development order or
483 building permit. The 3-year ~~2-year~~ extension also applies to
484 build out dates including any build out date extension
485 previously granted under s. 380.06(19)(c), Florida Statutes.
486 This section shall not be construed to prohibit conversion from
487 the construction phase to the operation phase upon completion of
488 construction.

489 (3) The holder of a valid permit or other authorization
490 that is eligible for the 3-year ~~2-year~~ extension shall notify
491 the authorizing agency in writing no later than December 31,
492 2009, identifying the specific authorization for which the
493 holder intends to use the extension and the anticipated
494 timeframe for acting on the authorization.

495 (5) Permits extended under this section shall continue to
496 be governed by rules in effect at the time the permit was
497 issued, except when it can be demonstrated that the rules in
498 effect at the time the permit was issued would create an
499 immediate threat to public safety or health. This provision
500 shall apply to any modification of the plans, terms, and
501 conditions of the permit that lessens the environmental impact,
502 except that any such modification shall not extend the time
503 limit beyond 3 ~~2~~ additional years.

504 Section 9. This act shall take effect upon becoming a law.