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LEGISLATIVE ACTION

Senate

House

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Floor: WD/3R

04/29/2010 11:03 AM

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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Between lines 893 and 894

insert:

Section 18. The Legislature hereby reauthorizes:

(1) Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located within an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of



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14 Florida.

15 (2) Any 2-year extension authorized and timely applied  
16 for pursuant to section 14 of chapter 2009-96, Laws of Florida.

17 (3) Any amendment to a local comprehensive plan adopted  
18 pursuant to s. 163.3184, Florida Statutes, as amended by chapter  
19 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189,  
20 Florida Statutes, which authorizes and implements a  
21 transportation concurrency exception area pursuant to s.  
22 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws  
23 of Florida.

24 Section 19. Section 18 is intended to be remedial in nature  
25 and to reenact provisions of existing law. This act shall apply  
26 retroactively to all actions specified in section 18 and  
27 therefore to any such actions lawfully undertaken in accordance  
28 with chapter 2009-96, Laws of Florida.

29 Section 20. (1) Except as provided in subsection (4), a  
30 development order issued by a local government, building permit,  
31 permit issued by the Department of Environmental Protection or  
32 permit issued by a water management district pursuant to part IV  
33 of chapter 373, Florida Statutes, which has an expiration date  
34 from September 1, 2008, through January 1, 2012, is extended and  
35 renewed for a period of 2 years following its previously  
36 scheduled date of expiration. This 2-year extension also applies  
37 to build-out dates including any extension of build-out date  
38 that was granted previously under s. 380.06(19)(c), Florida  
39 Statutes. This section does not prohibit conversion from the  
40 construction phase to the operation phase upon completion of  
41 construction. This extension is in addition to a 2-year permit  
42 extension under s. 14 of chapter 2009-96, Laws of Florida.



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43       (2) The commencement and completion dates for any required  
44 mitigation associated with a phased construction project are  
45 extended such that mitigation takes place in the same timeframe  
46 relative to the phase as originally permitted.

47       (3) The holder of a valid permit or other authorization  
48 that is eligible for the 2-year extension must notify the  
49 authorizing agency in writing by December 31, 2010, identifying  
50 the specific authorization for which the holder intends to use  
51 the extension and the anticipated timeframe for acting on the  
52 authorization.

53       (4) The extension provided for in subsection (1) does not  
54 apply to:

55       (a) A permit or other authorization under any programmatic  
56 or regional general permit issued by the Army Corps of  
57 Engineers.

58       (b) A permit or other authorization held by an owner or  
59 operator determined to be in significant noncompliance with the  
60 conditions of the permit or authorization as established through  
61 the issuance of a warning letter or notice of violation, the  
62 initiation of formal enforcement, or other equivalent action by  
63 the authorizing agency.

64       (c) A permit or other authorization, if granted an  
65 extension that would delay or prevent compliance with a court  
66 order.

67       (5) Permits extended under this section shall continue to  
68 be governed by rules in effect at the time the permit was  
69 issued, except if it can be demonstrated that the rules in  
70 effect at the time the permit was issued would create an  
71 immediate threat to public safety or health. This provision



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72 applies to any modification of the plans, terms, and conditions  
73 of the permit which lessens the environmental impact, except  
74 that any such modification does not extend the time limit beyond  
75 2 additional years.

76 (6) This section does not impair the authority of a county  
77 or municipality to require the owner of a property that has  
78 notified the county or municipality of the owner's intention to  
79 receive the extension of time granted by this section to  
80 maintain and secure the property in a safe and sanitary  
81 condition in compliance with applicable laws and ordinances.

82 Section 21. Subsection (29) of section 163.3164, Florida  
83 Statutes, is amended to read:

84 163.3164 Local Government Comprehensive Planning and Land  
85 Development Regulation Act; definitions.—As used in this act:

86 (29) "Urban service area" means built-up areas where public  
87 facilities and services, including, but not limited to, central  
88 water and sewer capacity and roads, are already in place or are  
89 committed in the first 3 years of the capital improvement  
90 schedule. In addition, for counties that qualify as dense urban  
91 land areas under subsection (34), the nonrural area of a county  
92 which has adopted into the county charter a rural area  
93 designation or any areas identified in the comprehensive plan as  
94 urban service areas, regardless of any local government  
95 limitation, or urban growth boundaries on or before July 1,  
96 2009, are also urban service areas under this definition.

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98  
99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:



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101 Delete lines 2 - 59  
102 and insert:  
103 An act relating to community development; amending s.  
104 20.055, F.S.; revising the definition of "state  
105 agency" to include the Florida Housing Finance  
106 Corporation; revising the definition of "agency head"  
107 to include the board of directors of the corporation;  
108 requiring the inspector general to prepare an annual  
109 report; amending s. 159.608, F.S.; providing a housing  
110 finance authority with an additional purpose for which  
111 it may exercise its power to borrow; amending s.  
112 163.3177, F.S.; revising provisions relating to the  
113 elements of local comprehensive plans to authorize the  
114 inclusion of an element for affordable housing for  
115 certain seniors; providing for the disposition of real  
116 property by a local government for the development of  
117 affordable housing; amending s. 201.15, F.S.; revising  
118 the allocation of certain proceeds distributed from  
119 the excise tax on documents that are paid into the  
120 State Treasury to the credit of the State Housing  
121 Trust Fund; providing for retroactive repeal of s. 8,  
122 ch. 2009-131, Laws of Florida, to eliminate a  
123 conflicting version of s. 201.15, F.S.; amending s.  
124 420.0003, F.S.; including the needs of persons with  
125 special needs in the state housing strategy's periodic  
126 review and report; amending s. 420.0004, F.S.;  
127 defining the terms "disabling condition" and "person  
128 with special needs"; conforming cross-references;  
129 amending s. 420.0006, F.S.; removing an obsolete



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130 reference; deleting provisions requiring the inspector  
131 general of the Department of Community Affairs to  
132 perform functions for the corporation to conform to  
133 changes made by the act; amending s. 420.504, F.S.;  
134 authorizing the Secretary of Community Affairs to  
135 designate a senior-level agency employee to serve on  
136 the board of directors of the Florida Housing Finance  
137 Corporation; amending s. 420.506, F.S.; providing for  
138 the appointment of an inspector general of the Florida  
139 Housing Finance Corporation; providing appointing  
140 authority thereof; providing duties and  
141 responsibilities of the inspector general; amending s.  
142 420.507, F.S.; requiring certain rates of interest to  
143 be made available to sponsors of projects for persons  
144 with special needs; providing additional powers of the  
145 corporation relating to receipt of federal funds;  
146 revising powers of the corporation relating to  
147 criteria establishing a preference for eligible  
148 developers and general contractors; conforming a  
149 cross-reference; amending s. 420.5087, F.S.; limiting  
150 the reservation of funds within each notice of fund  
151 availability to the persons with special needs tenant  
152 group; including persons with special needs as a  
153 tenant group for specified purposes of the State  
154 Apartment Incentive Loan Program; revising and  
155 providing criteria to be used by a specified review  
156 committee for the competitive ranking of applications  
157 for such program; conforming a cross-reference;  
158 amending ss. 163.31771, 212.08, 215.5586, and 420.503,



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159 F.S.; conforming cross-references; providing  
160 legislative intent; prohibiting funds from the State  
161 Housing Trust Fund or the Local Government Housing  
162 Trust Fund that are appropriated for specified  
163 programs from being used for certain purposes;  
164 providing for future repeal; reauthorizing certain  
165 exemptions, 2-year extensions, and local comprehensive  
166 plan amendments granted, authorized, or adopted under  
167 general law and in effect as of a certain date;  
168 providing construction; providing for retroactive  
169 application; extending the expiration dates of certain  
170 permits issued by the Department of Environmental  
171 Protection, a water management district, or a local  
172 government; extending certain previously granted  
173 build-out dates; providing that certain urban service  
174 areas are defined as urban service areas despite any  
175 local government limitation; providing an effective  
176 date.