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LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/RR/RM	.	Floor: SA1/RC
04/30/2010 05:52 PM	.	04/29/2010 05:00 PM
	.	

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, a building
31 permit, and any permit issued by the Department of Environmental
32 Protection or 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 after its previously scheduled
36 date of expiration. This 2-year extension also applies to
37 buildout dates, including any extension of a buildout date that
38 was previously granted under s. 380.06(19)(c), Florida Statutes.
39 This section does not prohibit conversion from the construction
40 phase to the operation phase upon completion of construction.
41 This extension is in addition to the 2-year permit extension
42 provided under section 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 so 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 the rules in effect at the time the permit was
69 issued, except if it is demonstrated that the rules in effect at
70 the time the permit was issued would create an immediate threat
71 to public safety or health. This provision applies to any



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72 modification of the plans, terms, and conditions of the permit
73 which lessens the environmental impact, except that any such
74 modification does not extend the time limit beyond 2 additional
75 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 intent to
79 receive the extension of time granted pursuant to this section
80 to 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.

97
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; amending s. 163.3164, F.S.; providing
174 that certain urban service areas are defined as urban
175 service areas despite any local government limitation;
176 providing an effective date.