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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/27/2010 08:52 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. Section 20.18, Florida Statutes, is reenacted.

83 Section 22. Section 420.504, Florida Statutes, is  
84 reenacted.

85 Section 23. Subsection (29) of section 163.3164, Florida  
86 Statutes, is amended to read:

87 163.3164 Local Government Comprehensive Planning and Land  
88 Development Regulation Act; definitions.—As used in this act:

89 (29) "Urban service area" means built-up areas where public  
90 facilities and services, including, but not limited to, central  
91 water and sewer capacity and roads, are already in place or are  
92 committed in the first 3 years of the capital improvement  
93 schedule. In addition, for counties that qualify as dense urban  
94 land areas under subsection (34), the nonrural area of a county  
95 which has adopted into the county charter a rural area  
96 designation or any areas identified in the comprehensive plan as  
97 urban service areas, regardless of any local government  
98 limitation, or urban growth boundaries on or before July 1,  
99 2009, are also urban service areas under this definition.

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

And the title is amended as follows:

Delete lines 2 - 59

and insert:

An act relating to community development; amending s. 20.055, F.S.; revising the definition of "state agency" to include the Florida Housing Finance Corporation; revising the definition of "agency head" to include the board of directors of the corporation; requiring the inspector general to prepare an annual report; amending s. 159.608, F.S.; providing a housing finance authority with an additional purpose for which it may exercise its power to borrow; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors; providing for the disposition of real property by a local government for the development of affordable housing; amending s. 201.15, F.S.; revising the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund; providing for retroactive repeal of s. 8, ch. 2009-131, Laws of Florida, to eliminate a conflicting version of s. 201.15, F.S.; amending s. 420.0003, F.S.; including the needs of persons with special needs in the state housing strategy's periodic review and report; amending s. 420.0004, F.S.;



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130 defining the terms "disabling condition" and "person  
131 with special needs"; conforming cross-references;  
132 amending s. 420.0006, F.S.; removing an obsolete  
133 reference; deleting provisions requiring the inspector  
134 general of the Department of Community Affairs to  
135 perform functions for the corporation to conform to  
136 changes made by the act; amending s. 420.504, F.S.;  
137 authorizing the Secretary of Community Affairs to  
138 designate a senior-level agency employee to serve on  
139 the board of directors of the Florida Housing Finance  
140 Corporation; amending s. 420.506, F.S.; providing for  
141 the appointment of an inspector general of the Florida  
142 Housing Finance Corporation; providing appointing  
143 authority thereof; providing duties and  
144 responsibilities of the inspector general; amending s.  
145 420.507, F.S.; requiring certain rates of interest to  
146 be made available to sponsors of projects for persons  
147 with special needs; providing additional powers of the  
148 corporation relating to receipt of federal funds;  
149 revising powers of the corporation relating to  
150 criteria establishing a preference for eligible  
151 developers and general contractors; conforming a  
152 cross-reference; amending s. 420.5087, F.S.; limiting  
153 the reservation of funds within each notice of fund  
154 availability to the persons with special needs tenant  
155 group; including persons with special needs as a  
156 tenant group for specified purposes of the State  
157 Apartment Incentive Loan Program; revising and  
158 providing criteria to be used by a specified review



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159 committee for the competitive ranking of applications  
160 for such program; conforming a cross-reference;  
161 amending ss. 163.31771, 212.08, 215.5586, and 420.503,  
162 F.S.; conforming cross-references; providing  
163 legislative intent; prohibiting funds from the State  
164 Housing Trust Fund or the Local Government Housing  
165 Trust Fund that are appropriated for specified  
166 programs from being used for certain purposes;  
167 providing for future repeal; reauthorizing certain  
168 exemptions, 2-year extensions, and local comprehensive  
169 plan amendments granted, authorized, or adopted under  
170 general law and in effect as of a certain date;  
171 providing construction; providing for retroactive  
172 application; extending the expiration dates of certain  
173 permits issued by the Department of Environmental  
174 Protection, a water management district, or a local  
175 government; extending certain previously granted  
176 build-out dates; reenacting s. 20.18, F.S., relating  
177 to the establishment of the Department of Community  
178 Affairs; reenacting s. 420.504, F.S., relating to the  
179 establishment of the Florida Housing Finance  
180 Corporation; providing that certain urban service  
181 areas are defined as urban service areas despite any  
182 local government limitation; providing an effective  
183 date.