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LEGISLATIVE ACTION

Senate

House

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04/21/2010 09:02 PM

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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Between lines 34 and 35

insert:

Section 3. (1) Except as provided in subsection (4), a development order issued by a local government, building permit, permit issued by the Department of Environmental Protection, or permit issued by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its previously scheduled date of expiration. This 2-year extension also applies to build-out dates including any extension of build-out date



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14 that was granted previously under s. 380.06(19)(c), Florida  
15 Statutes. This section does not prohibit conversion from the  
16 construction phase to the operation phase upon completion of  
17 construction. This extension is in addition to a 2-year permit  
18 extension under s. 14 of chapter 2009-96, Laws of Florida.

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

23 (3) The holder of a valid permit or other authorization  
24 that is eligible for the 2-year extension must notify the  
25 authorizing agency in writing by December 31, 2010, identifying  
26 the specific authorization for which the holder intends to use  
27 the extension and the anticipated timeframe for acting on the  
28 authorization.

29 (4) The extension provided for in subsection (1) does not  
30 apply to:

31 (a) A permit or other authorization under any programmatic  
32 or regional general permit issued by the Army Corps of  
33 Engineers.

34 (b) A permit or other authorization held by an owner or  
35 operator determined to be in significant noncompliance with the  
36 conditions of the permit or authorization as established through  
37 the issuance of a warning letter or notice of violation, the  
38 initiation of formal enforcement, or other equivalent action by  
39 the authorizing agency.

40 (c) A permit or other authorization, if granted an  
41 extension that would delay or prevent compliance with a court  
42 order.



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43           (5) Permits extended under this section shall continue to  
44 be governed by rules in effect at the time the permit was  
45 issued, except if it can be demonstrated that the rules in  
46 effect at the time the permit was issued would create an  
47 immediate threat to public safety or health. This provision  
48 applies to any modification of the plans, terms, and conditions  
49 of the permit which lessens the environmental impact, except  
50 that any such modification does not extend the time limit beyond  
51 2 additional years.

52           (6) This section does not impair the authority of a county  
53 or municipality to require the owner of a property that has  
54 notified the county or municipality of the owner's intention to  
55 receive the extension of time granted by this section to  
56 maintain and secure the property in a safe and sanitary  
57 condition in compliance with applicable laws and ordinances.

58           Section 4. Section 20.18, Florida Statutes, is reenacted.

59           Section 5. Section 420.504, Florida Statutes, is reenacted.

60           Section 6. Subsection (29) of section 163.3164, Florida  
61 Statutes, is amended to read:

62           163.3164 Local Government Comprehensive Planning and Land  
63 Development Regulation Act; definitions.—As used in this act:

64           (29) "Urban service area" means built-up areas where public  
65 facilities and services, including, but not limited to, central  
66 water and sewer capacity and roads, are already in place or are  
67 committed in the first 3 years of the capital improvement  
68 schedule. In addition, for counties that qualify as dense urban  
69 land areas under subsection (34), the nonrural area of a county  
70 which has adopted into the county charter a rural area  
71 designation or any areas identified in the comprehensive plan as



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72 urban service areas, regardless of any local government  
73 limitation, or urban growth boundaries on or before July 1,  
74 2009, are also urban service areas under this definition.

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

76 And the title is amended as follows:

77 Delete lines 2 - 7

78 and insert:

79 An act relating to growth management; reauthorizing  
80 certain exemptions, 2-year extensions, and local  
81 comprehensive plan amendments granted, authorized, or  
82 adopted under general law and in effect as of a  
83 certain date; providing construction; providing for  
84 retroactive application; extending the expiration  
85 dates of certain permits issued by the Department of  
86 Environmental Protection, a water management district,  
87 or a local government; extending certain previously  
88 granted build-out dates; reenacting s. 20.18, F.S.,  
89 relating to the establishment of the Department of  
90 Community Affairs; reenacting s. 420.504, F.S.,  
91 relating to the establishment of the Florida Housing  
92 Finance Corporation; providing that certain urban  
93 service areas are defined as urban service areas  
94 despite any local government limitation; providing an  
95 effective date.

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