



e-newsletter

June 2, 2009

COMMUNITY RENEWAL ACT

The Florida Legislature recently enacted, and the Governor signed, Senate Bill 360 which made a number of significant changes to the concurrency management systems of the State of Florida as well as the comprehensive planning processes. While a number of these changes remain to be fleshed out through local government implementation, of immediate benefit to property owners is an extension of expiration dates of certain Florida Department of Environmental Protection (FDEP) and Water Management District (WMD) permits. Section 14 of Senate Bill 360, in recognition of 2009 real estate market conditions, provides that any permits issued by the FDEP, or any of the WMDs pursuant to Part IV of Chapter 373 Florida Statutes, "that has an expiration date of September 1, 2008 through January 1, 2012 is extended and renewed for a period of two years following its date of expiration. **This extension includes any local government issued development order or building permit.** The two year extension also applies to build out dates including build out date extensions previously granted under Section 380.06(19)(c), Florida Statutes."

The holder of any valid permit that is eligible for the two year extension must notify the authorizing authority in writing no later than December 31, 2009, identifying the specific permit and authorization for which the holder intends to use the extension and the anticipated time frame for acting on the authorization. Permittees should inventory all of their permits to see if an extension is authorized. There are limited areas in which these extensions do not apply, which include (i) authorization under programmatic or regional general permits issued by the Army Corp of Engineers; (ii) the permits or other authorizations held by permittees which are in significant non-compliance with the conditions of the permit as established through the issuance of a warning letter or notice of violation or other similar action; and (iii) permits or other authorizations, which if granted an extension would delay or prevent compliance with a court order.

The two year extension does not impair the authority of the municipalities and counties to require permittees to maintain and secure the permittees' property in a safe and sanitary condition in compliance with applicable laws. Extended permits will continue to be governed by rules in effect when the permit was issued, unless it can be demonstrated that the application of these rules would create an immediate threat to public safety or health.

Senate Bill 360 contains a number of additional provisions dealing with other initiatives of the State to encourage development within its urban areas and provide affordable housing. Accordingly, you are encourage to contact Elias N. Chotas or other members of

the Real Estate Department of Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A. for further information.

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