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SB 7207 – Permit Extensions

This Dean Mead e-Alert provides news that is important to you about SB 7207 - Permit Extensions for two years.

You have probably heard about House Bill 7207, which was recently signed into law by Governor Scott, substantially changing the growth management laws in the State of Florida. However, two (2) sections of HB 7207 could be of immediate interest to many property owners. Sections 73 and 79 provide for the right to extend the expiration date of various qualifying permits and approvals.

Section 73 provides that any permit or authorization that received an extension under Senate Bill 360 (a bill passed by the Florida Legislature in 2009, and reauthorized in 2010, allowing for two year permit extensions) can be extended for an additional two years. Section 79 provides that any building permit, local government issued development order, FDEP permit and certain water management district permits, with an expiration date from January 1, 2012 through January 1, 2014 can also be extended for two years. Section 79 states that this extension is in addition to any existing permit extension. Section 73 and Section 79 both state that they cannot be used to allow a permit to be extended for more than four years in total. **In order to exercise the right to a permit extension under either Section 73 or Section 79, the property owner must give written notice to the authorizing agency by no later than December 31, 2011.**

There are certain types of permits to which the extensions do not apply, including (i) a permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers, (ii) a permit or

other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement or other equivalent action by the authorizing agency, or (iii) a permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

Permit holders should review all of their existing permits to see if an extension is authorized. If you are interested in exercising your right to extend a permit expiration date under SB 7207, or if you would simply like to discuss your options, please contact Lee Dobbins at ldobbins@deanmead.com or (772) 464-7700, for further information. To contact other members of the Real Estate Department, please go to <http://www.deanmead.com/PracticeAreas/RealEstate.asp#RealEstateMembers>