

# RESOLUTION

*of the*  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*regarding*  
**EXTENDING ALL DEVELOPMENT PERMITS THAT MEET  
CERTAIN CONDITIONS FOR A PERIOD OF TWO YEARS OR  
FOUR YEARS; AND PROVIDING FOR AN EFFECTIVE DATE**

**Resolution No. 2010-M-51**

WHEREAS, during the 2009 legislative session, the Florida Legislature enacted Senate Bill 360 ("SB 360") and following the 2009 legislative session, Governor Charlie Crist signed SB 360 into law (Chapter 290-96, Laws of Florida 2009);

WHEREAS, there has been a great deal of confusion throughout the State of Florida surrounding the interpretation of SB 360 due largely to the ambiguous language of the bill itself as well as to the various interpretations of the bill's provisions by legislators, local governments, public interest groups, and the business community;

WHEREAS, adding to the uncertainty surrounding SB 360, in July of 2009, a lawsuit was filed by various local governments seeking declaratory and injunctive relief and alleging that SB 360 was unconstitutional because it violated the Florida Constitution's requirements that a bill cover only a single subject and that no bill create an unfunded mandate;

WHEREAS, as a result of the confusion surrounding SB 360 and the lawsuit that was filed, Orange County decided not to implement any of the provisions of SB 360 until such time as there was a resolution of the lawsuit or clarification from the Legislature on the meaning of the bill;

WHEREAS, the County expected a speedy resolution of the issues surrounding SB 360 but, as of yet, there has been no resolution from the courts, although the Legislature has addressed some of the issues;

WHEREAS, one provision of SB 360 deals with the extension of certain development permits for two years;

WHEREAS, in November of 2009, the County passed an Economic Incentive Ordinance which included a provision extending certain building permits for six months;

WHEREAS, holders of certain building permits, some of whom have already taken advantage of the six-month extension provided in the Economic Incentive Ordinance, as well as holders of other types of development permits, are facing either the pending expiration of those permits unless an extension is granted, or have already had their permits expire;

WHEREAS, on February 2, 2010, the Board of County Commissioners of Orange County authorized by Resolution Number 2010-M-8 a six-month extension of development permits to prevent inequity and maintain stability in our permitting structure during the interim period while awaiting a resolution of the issues surrounding SB 360; and

WHEREAS, during the 2010 legislative session, the Florida Legislature enacted Senate Bill 1752, which in pertinent part reauthorized the two-year extension of certain development permits authorized by Senate Bill 360, and further authorized an additional two-year extension of development orders and building permits issued by a local government.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

*Section 1. Development Permits Extended under Senate Bill 360.* The Manager of each Division within the County that issues development permits shall extend the expiration date of a development permit (in addition to any previously granted extensions) for a period of two years from its previous date of expiration, as provided in section 14 of chapter 2009-96, Laws of Florida (Senate Bill 360), provided however, that the holder of the permit notified the County in writing prior to December 31, 2009, of the desire to utilize the two-year extension granted by SB 360 and the following conditions are met:

- a. The holder of the permit is in compliance with all conditions of the permit and any other applicable rules and regulations; and

- b. The expiration date of the permit originally would have occurred or will occur sometime between September 1, 2008, and January 1, 2012.

An extension shall not be granted to any permit if such extension would delay or prevent compliance with a court order. In the event a permit has already expired, but would otherwise meet all of the above conditions, the Manager of the issuing division shall reinstate such permit and extend its expiration date two years from the current expiration date.

***Section 2. Development Permits Extended under Senate Bill 1752.*** The Manager of each Division within the County that issues development permits shall extend the expiration date of a development permit (in addition to any previously granted extensions) for a period of two years from its previous date of expiration (including, if applicable, any extended expiration date requested under Senate Bill 360), as provided in section 46 of chapter 2010-147, Laws of Florida (Senate Bill 1752), provided however, that the holder of the permit notifies the County in writing prior to December 31, 2010, of the desire to utilize the two-year extension granted by Senate Bill 1752, and the following conditions are met:

- a. The holder of the permit is in compliance with all conditions of the permit and any other applicable rules and regulations; and
- b. The expiration date of the permit originally would have occurred or will occur sometime between September 1, 2008, and January 1, 2012.

This two-year extension is in addition to the two-year extension authorized under section 14 of chapter 2009-96, Laws of Florida (Senate Bill 360) and reauthorized under section 47 of chapter 2010-147, Laws of Florida (Senate Bill 1752). This two-year extension does not apply to:

- a. A permit or other authorization is 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 County;
- b. A permit or other authorization for which an extension, if granted, would delay or prevent compliance with a court order.

Permits extended under this Section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond two additional years.

In the event a permit has already expired, but would otherwise meet all of the above conditions, the Manager of the issuing division shall reinstate such permit and extend its expiration date two years from the current expiration date.

***Section 3. Effective date.*** This Resolution shall be effective upon adoption by the Orange County Board of County Commissioners.

ADOPTED this \_\_\_\_\_ day of JUL 13 2010, 2010.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Richard T. Crotty*  
Richard T. Crotty  
Orange County Mayor

ATTEST; Martha O. Haynie, County Comptroller  
As Clerk to the Board of County Commissioners

By: *Vanar P. Kambler*  
Assistant Deputy Clerk *BHST-C-01*