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Senate Bill 1752: Florida Economic Development Legislation

This Dean Mead Alert provides news that is important to you about Senate Bill 1752: Relating to Economic Development.

Governor Crist recently signed into law Senate Bill 1752, which contains a number of measures intended to stimulate economic development in the State of Florida. Of potential interest to clients with land development projects is Section 46 of Senate Bill 1752, which provides for a two (2) year extension of any “development order issued by a local government, a building permit, and any permit issued by the Department of Environmental Protection or 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.” If this sounds familiar, it is because the Florida Legislature passed an almost identical provision in 2009 in the form of Senate Bill 360. SB 360 required that in order to exercise the two (2) year extension, notice must be given to the authorizing agency in writing no later than December 31, 2009. SB 1752 requires that written notice must be given to the authorizing agency in writing by no later than December 31, 2010. Effectively, anyone who missed out on taking advantage of SB 360 now has until December 31, 2010 to take advantage of SB 1752. Furthermore, this extension is in addition to the two year permit extension provided under SB 360. **In other words, if you exercised your two year extension under SB 360 in 2009, and it will expire in 2011, you can now exercise an additional two year extension under SB 1752, provided that you give the required written notice prior to December 31, 2010.**

Just as was the case with SB 360, there are certain types of permits to which the extension does 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 1752, or if you would simply like to discuss your options, please call me or other members of

the Real Estate Department of Dean Mead for further information about how your project may benefit from economic incentives.

About the Author:

Mr. Dobbins practices in the areas of zoning, land use and commercial real estate transactions. He represents property owners in the acquisition and development of land, including negotiating complex purchase contracts, due diligence, financing, title issues, closings and obtaining zoning and land use and site plan approvals from the local municipalities. Mr. Dobbins has assisted clients in taking residential, commercial and mixed-use developments from the purchase of raw land through obtaining final development approvals. He also has experience in resolving utility issues, concurrency, handling debt restructuring transactions and drafting and negotiating complex commercial leases.

Mr. Dobbins is a past president of the St. Lucie County Chamber of Commerce, and served as a Chamber board member and officer for many years. He also served as a founding member of the Board of Directors of the St. Lucie County Economic Development Council, and served on the board of directors of the St. Lucie County Council on Aging and the St. Lucie County Education Foundation.

About Dean Mead:

Dean Mead provides full-service legal representation to businesses and individuals throughout Florida. The firm has 48 lawyers practicing in Orlando, Fort Pierce and Viera. For more information, visit www.deanmead.com