

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
FEB 02 2010 NP/BS

RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**EXTENDING, AND REINSTATING IF NECESSARY, UNTIL
JULY 31, 2010, ALL DEVELOPMENT PERMITS THAT MEET
CERTAIN CONDITIONS; SUNSETTING THE RESOLUTION
ON JULY 31, 2010; AND PROVIDING FOR AN EFFECTIVE
DATE**

Resolution No. 2010-M-08

WHEREAS, during the 2009 legislative session, the Florida Legislature passed Senate Bill 360 ("SB 360") and following the 2009 legislative session, Governor Charlie Crist signed SB 360 into law;

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 either the courts or the Legislature;

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; and

WHEREAS, the Board of County Commissioners of Orange County believes it is in the best interest of the County and its permit holders to authorize a six-month extension of development permits to prevent inequity and maintain stability in our permitting structure during this interim period while awaiting a resolution of the issues surrounding SB 360.

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

Section 1. Development Permits Extended. The Manager of each division within the County that issues development permits shall extend (in addition to any previously granted extensions) until July 31, 2010, the expiration date of any development permit where all of 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; and
- c. The holder of the permit notified the County in writing prior to December 31, 2009, of their desire to utilize the two-year extension granted by SB 360.

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 to July 31, 2010.

Section 2. Sunset. The provisions of this Resolution shall sunset on July 31, 2010, without further action of the Board of County Commissioners.

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

ADOPTED this ____ day of **FEB 02 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: *Martha O. Haynie*
Deputy Clerk

