

FLORIDA ECONOMIC DEVELOPMENT LEGISLATION - SENATE BILL 1752

PERMIT EXTENSIONS

Did you forget to take advantage of the permit extensions offered last year by Senate Bill 360 legislation? Did you take advantage of the two-year permit extension authorized by S.B. 360 (2009) legislation, but still need an additional extension to complete your project?

If you answered “yes” to either of the above questions, then you may qualify for a two-year permit extension of your project. For those permit-holders that took advantage of the two year permit extension in 2009, this extension would be in addition to the previously granted extension.

Florida Governor Crist is anticipated to sign S.B. 1752 within 15 days of receiving the bill. This legislation provides for certain economic development incentives and assistance to stimulate and provide support to the economic market. One supportive measure is the authorization of a two year permit extension for any development order or building permit issued by local government (county or municipality), Department of Environmental Protection, or water management district. In order to be eligible for this extension, the permit must have an expiration date between September 1, 2008 and January 1, 2012. The two-year extension also applies to build out dates for developments of regional impact (DRIs) under Florida Statutes § 380.06(19)(c). A holder of a permit that expires between the dates listed above must notify the authorizing agency in writing of the intention to utilize the two-year extension by December 31, 2010. There are certain permits for which a two-year extension may not apply.

ECONOMIC DEVELOPMENT-TAX INCENTIVES

Boat Sales

Senate Bill 1752, referred to as the “Jobs Bill” by the legislature, politicians and other interested groups, targets specific industries in need of an economic boost, such as the marine/boating industry. S.B. 1752 amends Florida Statutes, § 212.05 to add a new subsection, which provides a maximum amount of tax of \$18,000 that may be imposed and collected on the sale or use of a boat in the state.

Tax Credit – Jobs for Unemployed

S.B. 1752 would also create a tax credit program (pursuant to Florida Statutes 220.1896) for targeted industry businesses to receive a \$1,000 tax credit per employee that:

1. was hired for full-time employment of at least 36 hours per week;
2. has been employed by the business for at least 12 months; and
3. was unemployed for the immediate 30 days prior to being hired by the targeted industry business.

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In order to qualify for the \$1,000 tax credit, the targeted industry business must *become a certified business by filing an applicable application with the Office of Tourism, Trade and Economic Development.*

Please contact any of the Roetzel & Andress attorneys listed on page three to learn more about S.B. 1752, to find out whether or not the two-year extension applies to your permits, and how your project may be benefited by economic incentives.

ENVIRONMENTAL PROTECTION LEGISLATION

The 2010 Florida legislature recently passed Senate Bill 550 relating to environmental protection. This bill, not yet signed into law by Florida Governor Crist, alters criteria and requirements for water management districts and for the department of environmental protection.

EXPEDITED PERMIT APPLICATIONS AND COMPREHENSIVE PLAN AMENDMENTS

One element of S.B. 550 provides for expedited permitting and amendments to comprehensive plans following Florida Statutes § 403.973. This bill lowers the job creation criteria that a project must meet to qualify for expedited permitting review. It permits businesses that create at least 50 jobs or at least 25 jobs (where the project is located in an enterprise zone or a population less than 75,000, or in a county with less than 125,000 when next to a county less than 75,000) to qualify for expedited review of permit applications and local comprehensive plan amendments. Businesses or projects that do not meet the job creation threshold, but create a minimum of 10 jobs, may also qualify for an expedited permitting and comprehensive plan amendment review. Additionally, projects resulting in the production of biofuels on cultivated lands that are at least 1,000 acres or in the construction of a biofuel/biodiesel processing facility or a facility generating renewable energy will be considered.

NUTRIENT WATER QUALITY STANDARDS

S.B. 550 responds to the U.S. Environmental Protection Agency's (USEPA) proposed water quality standards to establish a numeric nutrient criteria. Senate Bill 550 indicates that implementation of USEPA's proposed water quality standards will have *severe economic consequences* on local governments, small business, residents living on fixed income or below poverty because the standards fail to take into account the unique characteristics of the state's waters.

MINING/LIMESTONE EXTRACTION MITIGATION

The bill amends Florida Statutes § 373.414(19) (a) to require financial responsibility for mitigation of wetlands and surface waters for activities associated with the mining of limestone.

S.B. 550 also amends Florida Statutes, § 378.901 to permit limestone mining operators to make application for a "life-of-the-mine" permit in lieu of multiple applications for permits under part four of Florida Statutes § 373. However, S.B. 550 clarifies that this amendment does not limit a local government's authority to approve a time limit different than what was previously approved according to the life-of-the-mine permit.

Please contact any of the Roetzel & Andress attorneys listed below to learn more about S.B. 550, and find out how your project may be benefited or affected.

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