

NOTIFICATION OF AN EXTENSION TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) PURSUANT TO SUBSECTION 380.06(19)(c), FLORIDA STATUTES 2007. (rev)

Subsection 380.06(19)(c), Florida Statutes, provides that:

In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.

1. DRI Name: _____

2. Location (City, County, Township/Range/Section): _____

3. Applicant (name, address, phone and email):

4. Authorized Agent (name, address, phone and email):

5. Provide dates from the Adopted DRI Development Order (or Master Development Order for Areawide DRI):

Type	Dates in the adopted Development Order:		Proposed 3 year extension date
	Date	Ordinance/Resolution #	
Build out date			
Expiration date			
Termination date			

6. If the Development Order includes phases, provide following dates:

Type	Dates in the adopted Development Order:		Proposed 3 year extension date
	Date	Ordinance/Resolution #	
Phase 1 buildout date			
Phase 2 buildout date			
Phase 3 buildout date			
Phase 4 buildout date			

7. Have any of the dates been extended due to time tolled during litigation?
If yes, explain and attach documentation.

8. Attach documentation to demonstrate that the project was under "Active Construction" on July 1, 2007.
(Example: Building permit, land clearance activity, etc.)

9. Date of most recent Annual Report filed with local government, South Florida Regional Planning Council, and Florida Department of Community Affairs.

OWNERS AFFIDAVIT

I, _____, the undersigned owner/authorized representative (as listed in section 2 above) hereby give notice of a three (3) year extension to change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19)(c), Florida Statutes. In support thereof, I certify that:

- a. The development was under active construction on July 1, 2007;
- b. A current annual/biennial report has been filed with the South Florida Regional Planning Council; and other entities pursuant to Subsection 380.06(18). F.S.; and
- c. That this form and its attachments contain information that is true and correct to the best of my knowledge.

I have submitted today, under separate cover, copies of this completed notification to *(name of local government)* _____ and to the South Florida Regional Planning Council.

Date

Signature

Name and Title

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

On behalf of South Florida Regional Planning Council, I have reviewed the above application and determined that a current Annual/Biennial Report has been filed in accordance with Subsection 380.06(18).

Date

Signature

Name and Title

LOCAL GOVERNMENT

On behalf of _____ *(name of local government)*, I have reviewed the above application and determined that the DRI was under active construction on July 1, 2007. Therefore the Development Order for this the _____ *(name of DRI)* is hereby extended as follows:

Buildout date: _____

Expiration Date: _____

Termination Date*: _____

Phase 1 buildout date*: _____

Phase 2 buildout date*: _____

Phase 3 buildout date*: _____

Phase 4 buildout date*: _____

*(*Delete if not applicable)*

Date

Signature

Name and Title

RECORDATION (Note attachments are not required to be recorded)

DATE RECORDED: _____ BOOK: _____ PAGE: _____

One certified copy of this form must be rendered to SFRPC, DCA and Applicant within 30 days of recordation.

2007 Growth Management Legislation

DCA Guidance - June 29, 2007

The 2007 Legislature made several important changes to Chapter 163, Florida Statutes. HB 7203, with a July 1, 2007 effective date, is of particular interest. As the Department of Community Affairs prepares implementation guidance it will be posted on this website.

An amendment that has drawn attention provides a 3-year extension to all phase, buildout, and expiration dates for developments-of-regional impact that are under active construction. Specifically, Section 380.06(19)(c), Florida Statutes, has been amended to include:

In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.

The legislation is intended to provide additional time for developments-of-regional impact and it is in that context that the Department views its requirements. It is the Department's conclusion that projects that satisfy the following parameters would meet the requirements.

1. The development-of-regional impact does not exceed any deadlines in its development order in regard to phasing, buildout, and termination.
2. In regard to "active construction", there must be a valid local government development permit that authorizes physical development consistent with the development order and physical construction pursuant to that local government development permit must have occurred.

The legislation does not require local government approval of the 3-year extensions. However, the developer should provide notification of the extension and some form of documentation as to the status of construction to the local government, regional planning council, and the Department immediately after July 1, 2007. Although it is not required, the prudent developer should submit a notice of proposed change to formally revise the development-of-regional impact development order to reflect the extension. Irrespective of the method by which the time extension is documented, it will not constitute a substantial deviation.

Amendment to DCA Guidance - November 15, 2007

Several months ago, the Department posted on its website guidance regarding Section 6 of HB7203, which amended Section 380.06(19)(c), Florida Statutes. Staff has received numerous inquiries regarding that guidance, particularly the conclusion that a development-of-regional impact may "not exceed any deadlines in its development order in regard to phasing, buildout, and termination" in order to be eligible for the three (3) year extension. Meant to clarify an admittedly unclear statute, this guidance has instead resulted in confusion and administrative problems for local governments and developers alike. The Department has reexamined the statute and the guidance quoted above, and has reached the conclusion that there is nothing in the statute that expressly prohibits the three (3) year extension from being applied to phase, buildout, and expiration dates that have been exceeded.

Accordingly, the Department now recognizes that the extension can be applied to any phase, buildout, or expiration date in a development-of-regional impact development order so long as the "active construction" requirement is met. The three (3) year extension will run from the expired phase, buildout, or expiration date. If the Legislature concludes that this was not its intention, it can amend Section 380.06(19)(c), Florida Statutes, to clarify its intention.