

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA PURSUANT TO CHAPTER 2011-139, LAWS OF FLORIDA (HB 7207), AND SECTION 402.11.A. OF THE PASCO COUNTY LAND DEVELOPMENT CODE, PROVIDING FOR EXTENSIONS OF PASCO COUNTY CONCURRENCY CERTIFICATES, CONCURRENCY EXEMPTION PERIODS, DEVELOPMENT ORDERS, BUILDING PERMITS, AND DEVELOPMENT OF REGIONAL IMPACT COMMENCEMENT, PHASE, BUILDOUT AND EXPIRATION DATES; PROVIDING FOR CRITERIA, EXCEPTIONS AND PROCESSING FEES FOR SUCH EXTENSIONS.**

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**WHEREAS**, on November 25, 2008, by Ordinance 08-47, the Board of County Commissioners adopted amendments to Pasco County's concurrency management regulations, which included a new Section 402.11.A. of the Pasco County Land Development Code, allowing for concurrency extensions without additional review or mitigation, and

**WHEREAS**, Section 402.11.A. granted a one year extension to the expiration date of all Pasco County concurrency Certificates of Capacity, Certificates of Level of Service Compliance, and concurrency exemption periods, without additional review or mitigation (the "1-Year Concurrency Extension"), and

**WHEREAS**, Section 402.11.A. allowed for the Board of County Commissioners to adopt additional concurrency extensions and concurrency extension criteria by Resolution, and

**WHEREAS**, on June 1, 2009, the Florida Governor signed into law Chapter 2009-96 Laws of Florida (SB 360), which required a two year extension of local government issued development orders and building permits having an expiration date from September 1, 2008 through January 1, 2012, subject to certain criteria and exceptions, and

**WHEREAS**, based on the two year permit extension granted by Chapter 2009-96, Laws of Florida, the Board of County Commissioners on June 23, 2009, by Resolution No. 09-269, granted: (a) an additional two year extension of all Pasco County concurrency certificates and concurrency exemption periods, without additional review or mitigation, and (b) a new two year extension of all other Pasco County development orders and building permits, subject to certain criteria, exceptions and processing fees (the "2009 2-Year Permit Extension"), and

**WHEREAS**, on May 28, 2010, the Florida Governor signed into law Chapter 2010-147, Laws of Florida (SB 1752), which required an additional two year extension of local government development orders and building permits having an expiration date from September 1, 2008 through January 1, 2012, subject to certain criteria and exceptions, and

**WHEREAS**, based on the two year permit extension granted by Chapter 2010-147, Laws of Florida, the Board of County Commissioners on July 27, 2010, by Resolution No. 10-327, granted an additional two year extension of all Pasco County concurrency certificates, concurrency exemption periods, development orders and building permits having an expiration date from September 1, 2008 through January 1, 2012, subject to certain criteria, exceptions and processing fees (the "2010 2-Year Permit Extension"); and

**WHEREAS**, on June 2, 2011, the Florida Governor signed into law Chapter 2011-139, Laws of Florida, which required (a) an additional two year extension for those development orders and building permits that did not receive four years of extensions under the 2009 2-Year Permit Extension and the 2010 2-Year Permit Extension, including development orders and building permits having an expiration date from January 1, 2012 through January 1, 2014, and (b) an additional four year extension of Development of Regional Impact (DRI) commencement, phase, buildout, expiration, and mitigation dates (the "2011 Extensions"); and

**WHEREAS**, the Board of County Commissioners, through this Resolution, desires to implement the 2011 Extensions.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pasco County, Florida, as follows:

A. Pursuant to Chapter 2011-139, Laws of Florida, and Section 402.11.A. of the Pasco County Land Development Code, the Board of County Commissioners hereby grants an additional two (2) year extension to the expiration date of all concurrency Certificates of Capacity, Certificates of Level of Service Compliance, concurrency exemption periods, Master Planned Unit Development (MPUD) zoning approvals, preliminary or construction site plan approvals, building permits, and other Pasco County development orders (collectively referred to herein as "Development Permit" or "Development Permits") with an expiration date from September 1, 2008 through January 1, 2014, subject to the following criteria and exceptions:

1. The holder of the Development Permit shall notify Pasco County in writing no later than December 31, 2011 identifying the specific Development Permit(s) for which the holder intends to use the extension, and the anticipated timeframe for acting on the Development Permit(s). If the holder fails to notify Pasco County in writing prior to December 31, 2011 of its intent to use the extension for a Development Permit, the holder shall waive its right to the extension for such Development Permit. If the person is requesting an extension for a MPUD zoning approval or preliminary or construction site plan approval, , and the

extension is not being requested for the entire approval land area, the person requesting the extension shall identify the phase, entitlements and geographic boundaries of the portion of the MPUD or site plan requesting the extension.

2. The extension shall commence on the current expiration date of the Development Permit/Building Permit (if such date is from September 1, 2008 through January 1, 2014) and terminate two (2) years from such date, regardless of the date that the extension is requested or adopted. For purposes of applying the September 1, 2008 to January 1, 2014 date restrictions in this Resolution, the current expiration date shall be the expiration date following the application of the 1-Year Concurrency Extension, the 2009 2-Year Permit Extension, and the 2010 2-Year Permit Extension, if such extensions were applied for, even if the County has not yet issued confirmation of such extensions. If only one phase or portion of a Development Permit has an expiration date from September 1, 2008 through January 1, 2014, only the phase or portion of the Development Permit with an expiration date from September 1, 2008 through January 1, 2014 shall be eligible for the extension(s) granted by this Resolution. Similarly, for Development Permits with multiple expiration dates (e.g. preliminary plan/preliminary site plan approvals with a 6 year expiration date and a 10 year expiration date—see Section 306.3.H.2. of the Land Development Code), only the expiration dates that fall between September 1, 2008 and January 1, 2014 shall be eligible for the extension(s) granted by this Resolution.

3. For the duration of the extended Development Permit, Development Permits extended under this Resolution shall continue to be governed by the rules and regulations in effect at the time the Development Permit was issued, except (a) when it can be demonstrated that the rules and regulations in effect at the time the Development Permit was issued would create an immediate threat to public safety or health, or (b) the holder of the Development Permit voluntarily subjects the Development Permit to new rules or regulations. This subparagraph applies to any modification of the plans, terms and conditions of the Development Permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.

4. For those Development Permits eligible for the extension granted by this Resolution, the commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that the mitigation takes place in the same timeframe relative to the phase as originally permitted, provided that (a) the Development Permit holder requests such an extension in the written notice required by paragraph 1., and (b) if an assurance of completion, payment assurance or other performance guarantee ("Performance Guarantee") was accepted by the County for such mitigation, and the Performance Guarantee will expire if the requested extension of the mitigation performance date is granted, the Development Permit holder shall provide, before such an extension is granted, an updated Performance Guarantee that expires at least six (6) months after the extended mitigation performance date. The required date(s) to post Performance Guarantee(s) to secure required mitigation are not commencement and completion dates that are entitled to the extension granted by this paragraph. The extension granted by this Resolution shall not entitle the Development Permit holder to a refund of any mitigation paid, performed or delivered prior to the extension being granted, even if such mitigation was paid, performed or delivered to secure a Development Permit extension. For those project phases eligible for the 2009 2-Year Permit Extension, the 2010 2-Year Permit Extension, and/or the 2011 Extensions, this extension shall not be construed to extend commencement and completion dates for required mitigation by more than four (4) years from the required commencement and completion dates when the phase was originally permitted.

5. For those Development Permits eligible for the extension granted by this Resolution, the two year extension of Master Planned Unit Development zoning approvals, preliminary or construction site plan approvals, building permits, and other Pasco County development orders granted by this Resolution is in addition to the 2009 2-Year Permit Extension and the 2010 2-Year Permit Extension, provided that the extension of such approvals, permits and development orders does not exceed four years total. The two year extension of concurrency certificates and concurrency exemption periods granted by this Resolution is in addition to the 1-Year Concurrency Extension, the 2009 2-Year Permit Extension, and the 2010 2-Year Permit Extension, provided that the extension of concurrency certificates and concurrency exemption periods does not exceed five years total.

6. The extension provided by this Resolution does not apply to: (a) a Development Permit held by an owner or operator determined to be in significant noncompliance with the conditions of the Development Permit as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other enforcement action by Pasco County, or (b) a Development Permit, if granted an extension, that would delay or prevent compliance with a court order.

7. Nothing in this Resolution shall impair the authority of Pasco County to require the owner of a property that has notified Pasco County of the owner's intention to receive the extension of time granted by this Resolution to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

B. All commencement, phase, buildout, and expiration dates for projects that are currently valid Developments of Regional Impact are extended for four years, regardless of any previous extension, unless the development order or development agreement implementing the previous extension included a reference that the extension was inclusive of the 2011 Extensions. Associated mitigation requirements are extended for the same time period unless (a) the development order or development agreement requiring such mitigation granted a previous mitigation extension stating that it was inclusive of the 2011 Extensions, or (b) before December 1, 2011, Pasco

County, or another governmental entity benefited by the mitigation, notifies a developer that has commenced any construction within the phase for which the mitigation is required that the governmental entity has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase, as specified in the development order or development agreement with the developer. If an assurance of completion, payment assurance or other performance guarantee ("Performance Guarantee") was accepted by the County for such mitigation, and the Performance Guarantee will expire if the requested extension of the mitigation performance date is granted, the DRI developer shall provide, before such an extension is granted, an updated Performance Guarantee that expires at least six (6) months after the extended mitigation performance date. The extension granted by this Resolution shall not entitle the developer to a refund of any mitigation paid, performed or delivered prior to the extension being granted, even if such mitigation was paid, performed or delivered to secure an extension. This four 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. In order to receive the four year extension provided by this paragraph, the developer must notify Pasco County in writing by December 31, 2011, and provide a copy to the Tampa Bay Regional Planning Council (TBRPC). If the extension is not being requested for the entire DRI, the developer shall identify the phase, entitlements and geographic boundaries of the portion of the DRI requesting the extension. DRIs receiving the extension granted by this paragraph cannot receive further extensions of commencement, phase, buildout, expiration and mitigation dates pursuant to paragraph A of this Resolution. Pasco County will coordinate the confirmation of the extensions granted by this paragraph. However, Pasco County does not have jurisdiction to make a final determination regarding eligibility for extensions relating to regional or state DRI review, and the final determination regarding eligibility for such extensions shall be made by TBRPC.

C. Notwithstanding any provision of the Land Development Code, or any development order or development approval condition to the contrary, the extensions granted by this Resolution shall not require any additional substantive review, analysis or mitigation. Unless otherwise required by state law for Developments of Regional Impact, the extension granted pursuant to this Resolution shall be implemented by the Growth Management Administrator, Zoning Administrator, Development Director or Building Official as an administrative amendment to the Development Permit containing the expiration date, and does not require any additional approval by the Development Review Committee, Planning Commission, or Board of County Commissioners. The administrative processing fees for implementation of the extensions granted pursuant this Resolution are set forth on Exhibit A attached hereto, and shall be determined and paid at the time the notice required by paragraph A.1 and paragraph B is submitted.

D. This Resolution is based on the Board's interpretation of Chapter 2011-139, Laws of Florida, and applicable local, state and federal law. If the Board's interpretation of any law, or any section, sentence, clause or provision of this Resolution, is held invalid or unconstitutional by a court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portions of this Resolution, if such portions are not affected by the interpretation, section, sentence, clause or provision held to be invalid or unconstitutional.

**DONE AND RESOLVED** this 26th day of July, 2011.



*Paula S. O'Neil*

PAULA S. O'NEIL, Ph.D.,  
CLERK AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

*Ann Hildebrand*

ANN HILDEBRAND  
CHAIRMAN

**APPROVED**

**JUL 26 2011**

**EXHIBIT "A"**

**ADMINISTRATIVE PROCESSING FEES FOR  
EXTENSIONS GRANTED BY CHAPTER 2011-139 LAWS OF FLORIDA**

a. Building Permits

1.	Applications for extension submitted prior to September 1, 2011	120.00
2.	Applications for extension submitted on or after September 1, 2011 and prior to October 1, 2011	150.00
3.	Applications for extension submitted on or after October 1, 2011 and prior to November 1, 2011	180.00
4.	Applications for extension submitted on or after November 1, 2011 and prior to December 1, 2011	210.00
5.	Applications for extension submitted on or after December 1, 2011 and prior to January 1, 2012	240.00

b. All Development Orders (Other than Building Permits and DRIs)

1.	Applications for extension submitted prior to September 1, 2011	300.00
	Fee for each mitigation date extension request \$200 per date	
2.	Applications for extension submitted on or after September 1, 2011 and prior to October 1, 2011	325.00
	Fee for each mitigation date extension request \$200 per date	
3.	Applications for extension submitted on or after October 1, 2011 and prior to November 1, 2011	350.00
	Fee for each mitigation date extension request \$200 per date	
4.	Applications for extension submitted on or after November 1, 2011 and prior to December 1, 2011	375.00
	Fee for each mitigation date extension request \$200 per date	
5.	Applications for extension submitted on or after December 1, 2011 and prior to January 1, 2012	400.00
	Fee for each mitigation date extension request \$200 per date	

c. All DRI Development Orders

1.	Applications for extension submitted prior to September 1, 2011	300.00
	Fee for each commencement, phase, build-out, expiration and mitigation date extension request \$200 per date	
2.	Applications for extension submitted on or after September 1, 2011 and prior to October 1, 2011	325.00
	Fee for each commencement, phase, build-out, expiration and mitigation date extension request \$200 per date	
3.	Applications for extension submitted on or after October 1, 2011 and prior to November 1, 2011	350.00
	Fee for each commencement, phase, build-out, expiration and mitigation date extension request \$200 per date	
4.	Applications for extension submitted on or after November 1, 2011 and prior to December 1, 2011	375.00
	Fee for each commencement, phase, build-out, expiration and mitigation date extension request \$200 per date	
5.	Applications for extension submitted on or after December 1, 2011 and prior to January 1, 2012	400.00
	Fee for each commencement, phase, build-out, expiration and mitigation date extension request \$200 per date	