

## **Deadlines Approach to File for New Extensions: *New Interpretation by Florida Division of Community Planning on Tolling Period for Emergency Declaration Extension***

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By Valerie Hubbard, FAICP, LEED AP

The Florida Division of Community Planning has issued a new interpretation regarding the extension provided in Chapter 2011-142, Laws of Florida. Section 494 of this act provides an extension for permits and authorizations when the Governor declares a state of emergency, effective within the area covered by the emergency declaration. The emergency declaration tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration and extends the deadline for the permit or authorization for an additional 6 months beyond the tolled period. This extension applies to expiration of local-government-issued development orders, building permits, DEP, and water management district permits pursuant to part IV of chapter 373 and to DRI build-out dates.

The current opportunity for extensions is based on the Governor's Executive Order issued in June and extended in August and October, declaring a state of emergency statewide due to significant drought conditions and wildfires. Previously, the tolling period for this emergency declaration had been calculated by the Division of Community Planning at 4 months and 21 days. Combined with the 6-month extension under the legislation, this provided a total extension of 10 months and 21 days for eligible projects. *The Division has revised this calculation to a tolling period of 126 days plus the 6-month extension, for a total extension of 6 months and 126 days.* The revised approach uses days, rather than months, for the calculation, which alone may reduce some extensions by a few days. More significantly, the Division is basing the start date for the tolling period on the effective date of the legislation (July 1, 2011) rather than the date of the Governor's original emergency declaration (June 13, 2011), which reduces the tolling period by 18 days. The holder of the permit or authorization must provide written notice to the issuing authority within 90 days after the termination of the emergency declaration of the intent to exercise the tolling and extension granted. The notice must identify the specific permit or other authorization qualifying for extension. *The 90-day deadline for notifying the issuing authority is February 1, 2012.*

This extension may be combined with others under the Community Planning Act (Chapter 2011-139, Laws of Florida), however, *extensions under the Community Planning Act require written notification to the authorizing agency by December 31, 2011.* Additional information regarding these extensions may be found in the original Practice Update Deadlines Approach to File for New Extensions. The legislation should be consulted, however, for more specific eligibility criteria and requirements for exercising the extensions.

Clients are urged not to delay in filing the notices required to exercise the extensions. The various extensions may or may not apply to specific development approvals. Akerman can assist clients in identifying which extensions apply and in providing the required notifications to the appropriate agencies.

Akerman can also assist development interests and local governments in understanding and taking advantage of other opportunities provided by the recent changes in Florida's growth management framework. Akerman offers a full array of lobbying services to represent clients' interests with regulatory agencies and in the legislative arena, as additional legislative changes are considered.

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