

## Emergency Declaration Permit Extensions for Florida Property Owners, Developers, and Builders

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In the aftermath of Hurricane Michael, there will be many development projects delayed by the destruction of the storm and subsequent recovery. Pursuant to section 252.363, Florida Statutes, a state of emergency declared by the Governor tolls a permit expiration date during the duration of the state of emergency, and extends it for a further six months following the state of emergency. Emergency declarations are limited to a 60-day period, but may be extended by Executive Order of the Governor.

The extension applies to: (i) the expiration of development order issued by a local government; (ii) the expiration of a building permit; (iii) the expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373 (Management and Storage of Surface Waters); and (iv) buildout date of a development of regional impact (DRI).

The permit holder has 90 days following the expiration of a declaration of emergency to notify the permitting authority of intent to exercise the tolling period and six-month extension.

The emergency declaration for Hurricane Michael currently applies to 35 of Florida's 67 counties, from Manatee County north and west to Escambia County, and also includes inland counties from Alachua County north to Baker County, and all inland counties in the Florida Panhandle west of Baker County.

In addition to the Hurricane Michael Executive Order, there are currently four other Executive Orders which may be used to extend the expiration date of permits statewide. The notification window for one of them ends on October 23, 2018, so time is of the essence in benefitting from that one.

### **To discuss further, please contact:**

Vivien Monaco in Orlando at [vmonaco@burr.com](mailto:vmonaco@burr.com) or (407) 540-6658 or the Burr & Forman attorney with whom you regularly work.

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