

Act Fast for Extensions for Certain Development Approvals in Florida: Extension of Emergency Order

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Update: Due to the Governor's extension of the wildfire emergency declaration that was the subject of our October Practice Update, the 8 month extension available to development approvals has since been upgraded to an extension lasting 10 months and 21 days. The new deadline to file the required notice is February 1, 2012. Don't miss this important opportunity to extend the following approvals:

- a development order issued by a local government
- a building permit
- a permit issued by the Department of Environmental Protection or a water management district pursuant to Part IV of chapter 373
- the buildout date of a DRI, including any extension of a buildout date that was previously granted pursuant to s.380.06(19)(c).

Under Florida's new Governmental Reorganization Act, the approvals listed above can be extended when the Governor declares a state of emergency. On June 13, 2011, Governor Scott declared a state of emergency due to wildfires and extended it twice by Executive Orders 11-172 and 11-202. As a result, permit holders that give the required notice by February 1, 2012 are entitled to an extension lasting 10 months and 21 days under the Act or, in some cases, even longer. Orange County, for example, is considering the possibility of rounding off the extension to an even 11 months.

The above extension is in addition to the 2-year and 4-year extensions that are available under the Community Planning Act, depending on whether the project is a DRI or sub-DRI. To be eligible for extensions under the Community Planning Act, the required notice must be given to the agency with jurisdiction by December 31, 2011.

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